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A CENTURY  
OF  
**MUNICIPAL PROGRESS**  
**1835 \* 1935**

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*by*

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*with a Chronological Table  
of Local Government  
compiled by  
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## INTRODUCTION

SEVERAL alternative reforms might be regarded as marking the change between the old system of local government and the new. Some would say that the creation of elected authorities and the appointment of paid officials under the Poor Law Amendment Act of 1834 was the essential reform. Others might assert that local government must be regarded primarily from the angle of service and not from the angle of organization, so that the fundamental change came with the development of the general public health service from 1848 onwards. It cannot be doubted, however, that the towns have led the way in the great development of local services which the last century has witnessed. Though the town councils received but few powers under the Municipal Corporations Act of 1835, the reform in the organization of the municipal corporations made possible the growth of the modern local government system.

The fundamentally important part which local government plays in the social and economic life of the nation can be fully understood only when the condition of England one hundred years ago is considered. "For the average English citizen," said Graham Wallas, "the possibility of health, of happiness, of progress towards the old Greek ideal of 'beautiful goodness,' depends on his local government more than on any other factor in his environment." Yet so smoothly does the system work, and so accustomed are we to the existence of the conditions which alone make modern industrial civilization possible, that we tend to overlook the vast amount of hard work and hard thought which led to the creation of those conditions and which are involved in their efficient maintenance. "The city council's services," Sir Ernest Simon has said, "mean the difference between savagery and civilization."

Local government in the past hundred years has halved the death rate and reduced the infantile mortality rate by three-quarters. It has taught us to think of the cholera which used to be a periodical menace as something remote and oriental. One hundred years ago people expected to have the small-pox as now they expect their dogs to have distemper; to-day, on the average, it is the cause of less than one in a million deaths. One hundred years ago, the Webbs have told us, nearly every person was either recovering from or sickening for enteric fever; now, it causes less than six in a million deaths. The other infectious diseases

and such diseases as tuberculosis have been reduced to proportions which would have been regarded a century ago as almost Utopian. These are facts which can be proved by statistics. We cannot prove in that way the enormous increase in the comfort and convenience of the people. Nor can we prove in the same way that without the development of the educational and related services modern commerce and industry would be impossible. Yet a moment's reflection shows that it must be so. The enormous developments in the technique of industry and of business administration have been possible only because we are not merely a healthy but also a literate people. Indeed, our whole democratic system rests upon an educated electorate.

These are platitudes; but they are platitudes which are sometimes forgotten. It is appropriate, therefore, that on the occasion of the centenary of the first Municipal Corporations Act we should estimate the changes which a century of development in local government has brought about. This book seeks, therefore, to survey the history of a hundred years of local administration and to examine the present position of the system. The initiative in its production came from the National Association of Local Government Officers, on whose behalf we have edited the volume. The fact that such an Association, with its eighty thousand members, exists, is one of the most significant changes of a century of municipal development. The fact that it has secured the production of such a volume as this is indicative of an attitude to the public which augurs well for the future of the local government system. For it proclaims to the world what those who have studied "Nalgo's" educational system will know already, that the Association recognizes not merely its duty to its own members, but also its duty to the public. A professional organization, it rightly asserts, must concern itself with the advancement of the public interest in its particular sphere of action.

Part of the debt which we owe to the Association for making this book possible will be obvious to the reader. Part of it is known to us alone; and it is so great that we have difficulty in finding language adequate to express it. The volume has been in preparation for some two years. During that time we have been in constant communication with the Public Relations Committee of the Association and with the General Secretary, Mr. L. Hill. We have drawn enormous encouragement from the successive presidents, Mr. C. G. Brown, Dr. A. Wotherspoon, and Mr. G. W. Coster, M.B.E., from Mr. S. Lord (Past President), Mr. W. E. Lloyd (Hon. Treasurer and Vice-

President), Mr. P. H. Harrold (Hon. Solicitor for England), and the other members of the National Executive Council, and above all from Mr. L. Hill. On our side, we may perhaps be permitted to say that we have been immensely impressed with the width of vision and with the energy with which this great Association appears to us to be conducted. The fact that such a corporate public spirit prevails among local government officers is one of the main reasons for our belief in the great future of English local government.

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*August 1935*



# A Century of Municipal Progress

## CHAPTER I

### BEFORE 1835

by

ELIE HALÉVY

MONTESQUIEU, writing in the middle of the eighteenth century, defined, and held up to the admiration of his countrymen, what was, in his eyes, the underlying principle of the British Constitution. Three powers are implied in the existence of any State: the legislative, the executive, and the judicial power; and it is a condition of liberty, as understood, and rightly understood by the English, that these powers should be kept separate, and that in particular the same men, or the same body of men, should not be endowed with the power of making the laws on the one hand, and of applying them on the other, either in matters concerning the general security of the nation, or in those concerning the civil rights of individuals. Montesquieu, however much he may have borrowed from Locke, was the real interpreter of the British Constitution not only to the Continent but to England; and whenever Blackstone, in his *Commentaries*, deals with the political, military, and judicial institutions of his country, he is simply plagiarizing the French writer. In this way the Continent and even England were satisfied with a theory which focussed the whole attention of the learned public upon the structure of the central organs of government. How England was administered neither Montesquieu nor his English admirers troubled to inquire. They took it for granted that in some way or other England was administered. Probably in the same way as any other country. The all-important fact was that she had a strictly limited Monarchy, two Houses of Parliament, irremovable judges, trial by jury, and no standing army. Here, and here alone, lay the originality and greatness of English civilization.

It was reserved for another foreigner—a German this time—writing a little more than a century later—to revise Montesquieu's interpretation and to propound another, based upon those very

facts which had been neglected by Montesquieu, and practically the whole of the English public after him. He wrote just after the great revolutionary crisis of 1848 had shaken all the constitutions of Western Europe, except the British Constitution. Was it not therefore justifiable for Liberals all over Europe to believe that England had owed her immunity from the plague of revolution to the liberalism of her institutions, as Montesquieu had defined them? Rudolf Gneist\* demurred, and suggested that the stability of English political society was due to other and deeper causes. The principle of the separation of powers made for conflict and disruption: if it had really been the underlying principle of English institutions, England would have been riper than any other nation for civil and social war. But let us look, said Gneist, beneath the superficialities of the central structure of political government to the realities of local administration: it is here that the basis and the true originality of English institutions had to be found. England was governed and administered, from top to bottom, by her gentry, that is, by the class of wealthy and leisured landowners, unpaid as members of the House of Lords, unpaid as members of the House of Commons, unpaid as Justices of the Peace in the counties. This was not an aristocracy of blood: land was freely transferable in England. Nor was it a privileged aristocracy, as it would have been, for example, if the English landowners had been exempted from taxation: but, in fact, more than half the local taxes were borne by the land. It was not even an aristocracy endowed with the power of ruling the country by the mere fact of owning land: the Justices of the Peace were appointed by the King, on the recommendation of the Lord Lieutenant of the County, as a select minority of their class. They were, according to Gneist, chosen irrespective of party: the principle of party government did not extend to the sphere of local government. They were endowed both with judicial and executive powers: the principle of the separation of powers did not apply here. Thus all the apparent divisions of the English Constitution were merged at bottom into a deep unity, the unity of what was already beginning to be called, when Gneist wrote his *englische Verfassungs- und Verwaltungsrecht*, by the name of "Self-government." "Administration of localities (*Kreis und Ortsgemeinden*) by unpaid offices

\* *Das heutige englische Verfassungs- und Verwaltungsrecht*, von Dr. Rudolf Gneist.

I Theil: *Geschichte und heutige Gestalt der Aemter in England mit Einschluss des Heeres, der Gerichte, der Kirche, des Hofstaats*, 1857.

II Theil: *Die heutige englische Communalverfassung und Communalverwaltung oder das System des Selfgovernment in seiner heutigen Gestalt*, 1860.

(*Ehrenämter*) belonging to the upper and middle classes, according to the laws of the country, through local taxation":\* such was Gneist's definition of it; and so defined, it was, according to Gneist, the "glowing centre" (*der eigentlich Glanzpunkt*) of the Constitution. The thousand-year-old Constitution of the country was the real safeguard which prevented in England the conflicts between parties from degenerating into a war between classes.

Let us try and define, in greater detail, the system of English local government, such as it worked in the early years of the nineteenth century. We will take as the basis of our analysis Blackstone's *Commentaries*, unsatisfactory as is his chapter "of subordinate magistrates,"† as Gneist rightly observes.

The ecclesiastical division of England was into provinces (two provinces), dioceses, archdeaconries, rural deaconries, and lastly parishes, a parish being "that circuit or ground in which the souls under the care of one parson or vicar do inhabit." There were nearly ten thousand parishes; and their boundaries coincided, Blackstone tells us, generally, if not always, with those of the feudal manors. The churchwardens, "the guardians or keepers of the church," were appointed sometimes by the minister, sometimes by the parishioners assembled in a meeting called the "vestry" from the name of the place where they met. The duties of the churchwardens were primarily ecclesiastical; they were, moreover, endowed with a limited number of administrative powers. And in other respects the parish was an administrative as well as an ecclesiastical unit. The overseers of the poor, who had to do with the administration of the Poor Laws, and the Surveyors of the Highways, were parish officers.

But they were not elected by the vestry, nor appointed by any parish authority; they had come to be appointed by the neighbouring Justices of the Peace. Now the justices were the rulers of the county; so that, although it was in no respect a subdivision of the county, the parish, in so far as it was an administrative unit, had come to be absorbed into the county.

The civil division of the territory was into counties (forty in England, twelve in Wales); counties were divided into hundreds, and

\* "Selbstgovernment heisst in England die Verwaltung der Kreise und Ortsgemeinden nach den Gesetzen des Landes durch Ehrenämter der höheren und Mittelstände mittels Communalgrundsteuern"—R. Gneist, *Die heutige Communalverfassung*, p. 828.

† Book I, chap. ix (*Comm.*, i, pp. 338, 399).

hundreds into tythings. It will be best, in what is a necessarily rapid survey of the subject, only to make a passing mention of such "subordinate magistrates" as the coroners and high constables, and to concentrate our attention upon what is essential. For Blackstone, the head of the county is the sheriff, appointed annually by the King, the sheriff being at one and the same time in Blackstone's own words, a judge, the Keeper of the King's peace, a ministerial officer of the superior courts of justice, and the King's bailiff. In fact, at the time when Blackstone wrote his *Commentaries*, the sheriff had already lost a good deal of his original power; his duties had become mainly ceremonial, the real duties had devolved upon the under-sheriff, while the real head of the county was the lord lieutenant, one of the great local landowners, appointed by the Crown, in principle removable at will, in fact practically never removed. He organized the militia; the patronage of the county belonged to him. Theoretically the justices were appointed by the Crown; but the King always appointed them upon the advice of the lord lieutenants, who themselves never advised the King without having consulted the leading justices in the county; so that the process was, in fine, one of co-option rather than central appointment. Any Justice of the Peace in any part of the county where he resided could exert his rights and use his powers; hundreds and tythings had come to be of little or no importance, although some timid efforts were being made towards some more regular mode of subdivision of the county; the county was, in fact, a single undivided unit of government. A Justice of the Peace, acting alone, was endowed with certain limited powers; acting in conjunction with one or more of his peers, he was endowed with larger powers; and these powers became wider and wider at each stage when he attended what were called petty sessions, special sessions, and finally quarter sessions held once a quarter for the whole county. His duties were both judicial and ministerial. In so far as they were ministerial, it was his business to license public houses, to control the administration of the Poor Laws, the building of bridges and roads, and management of prisons and houses of correction. Since he was rich and unpaid, it was assumed that he was disinterested. Since he was a man of leisure, it was assumed that he was competent. Thus did the gentry govern the land; in other words, thus did England "govern herself."

Did the powers of the Justices of the Peace, so defined, extend in the strict sense of the word to the whole of England? One would feel inclined to believe it after reading Blackstone's chapter, which

ends with nothing more than the curious statement that he does not intend to "enter into any minute disquisitions, with regard to the rights and dignities of mayors and aldermen, or other magistrates of particular corporations; because these are more private and strictly municipal rights, depending entirely upon the domestic constitution of their respective franchises."\* But can one calmly brush aside these "constitutions" as being "domestic," when one realizes that the one hundred and seventy-eight municipalities which were reformed in 1835 covered more than a seventh part of England and Wales? Is one, then, to go to the other extreme? Is one to insist upon the importance and value of these municipal corporations (or counties corporate, or manorial boroughs: we have no time to spare for such historical *minutiae* and legal intricacies), and explain them as being the outcome of a legitimate desire on the part of those who ruled England to give one kind of local government to the rural countryside, the "county," and another one to the towns, or "boroughs"? But, on the one hand, there was no uniform type of constitution for these municipal corporations, although in theory they were founded on the right of all "freemen" to administer the town. Some were real democracies, as, for example, that world-known corporation, the City of London. Others, by far the greater number, had degenerated into close bodies, into whose hands the freemen had tacitly resigned their rights, and whose members acted as Justices of the Peace within the limits of the corporation, these *ex officio* magistrates being, of course, quite a different body of men from those who sat on the Bench of the county quarter sessions. On the other hand, it was impossible to say that, as a general rule, this was the normal form of government for all the inland population of England. Warwick had a municipal corporation; so had Leeds and Liverpool; but Birmingham, Halifax, Manchester, had to be satisfied with the common rule of vestries and Justices of the Peace, complicated by other structures, some of feudal origin, some quite modern, which Blackstone, and for all that Gneist himself, chose to ignore; while four-fifths of the municipal corporations dealt with small towns and villages, with a population less than eleven thousand: Romney Marsh and Sandwich had their corporation. Blackstone, a typical lawyer, was justified in feeling ill at ease when facing the problem of these *insulae* of municipal controversy, which spoiled the symmetry of the fabric of English local government. They were legal anomalies for which only the accidents of history could account, and which apparently

\* *Comm.*, i, pp. 338-9.

would have to be swept away if ever England wished to have a coherent and uniform system of administration.

Such, in brief, was the living scheme whose structure it is Gneist's merit—and the merit is great—to have discovered. Not a system of rights, conceived as balancing one another, as it had been defined by lawyers belonging to the school of Montesquieu. A system of duties which everybody, from a lord lieutenant and sheriff down to the humblest juryman, or overseer of the poor, or surveyor of the highways, was expected to perform, without pay, whenever he was required to do so for the good of the community: the five thousand odd Justices of the Peace were the typical representatives of the régime. How are we to account for the fact that the great German legal discoverer had no following in England comparable to Montesquieu's? That not one of his works was translated into English? Was it because his work lacked the brilliant literary qualities of the Frenchman's book, being a technical work, written by a lawyer for lawyers? Was it because the book came at the wrong moment, when the system which he described with such enthusiasm was, as he himself admits, already beginning to fall into decay? I believe that these were decisive reasons; but there is another reason which should also be taken into account. Perhaps, just because he was a foreigner, who could only observe the working of the laws from a distance, and just because he was a lawyer, who clung to the letter of the statutes, Gneist missed some of the most interesting features of the traditional system of English self-government.

We come now, half a century after Gneist, to the work not of a Frenchman or of a German this time, but of a genuinely English married couple, Mr. and Mrs. Sidney Webb, two Socialists, who, having analysed the structure and functions, and tried to understand the trend and more or less conscious aim, of British working men's organizations, had come to the conclusion that the trend was toward an increase—a practically indefinite increase—in the activities of the administrative State. They therefore passed on to the study of the problems of administrative law, and proceeded to apply to the history of English local government the same methods of patient and rigorous historical investigation which they had applied to the history of Trade Unionism.\* How had that old system of administration by wealthy

\* *English Local Government from the Revolution to the Municipal Corporations Act; The Parish and the County, 1906; The Manor and the Borough, 1908; The Story of the King's Highway, 1913; English Prisons under Local Government, 1922; Statutory Authorities for special purposes, 1922; English Poor Law History, part i. The Old Poor Law, 1927; and The History of Liquor Licensing in England, principally from 1700 to 1830, 1903.*

amateurs, so unlike their ideal of administration by salaried experts, actually worked? And how and why had it come to an end? Such were the problems to be solved; and the result of their labour has been not only a wealth of those details—borrowed from sources out of the reach of a foreign lawyer such as Gneist—which are the very life of history; but also, we believe, in many respects, a more accurate interpretation of what the duties of a Justice of the Peace had come to be, when seen in historical perspective.

Gneist had taken it for granted that the Justices of the Peace fulfilled duties which were both judicial and administrative; but he does not seem to have raised the problem, how the administrative duties had come to be added to the judicial functions. Mr. and Mrs. Webb solved a problem which was essentially an historical one, and established the fact that the administrative duties had not been added to the judicial duties, so to speak, from the outside; they had evolved out of them. Suppose a bridge fell into disrepair. The magistrates summoned the inhabitants of the parish in which the bridge was situated to appear before them, and ordered them to pay for the repairs. If we call this sum which the parishioners were compelled to pay a fine, the decision is a judicial sentence; if we call it a rate, the decision becomes an administrative act. In this way the Justices of the Peace, at the end of the seventeenth century, did in fact carry on the administration of the county by exercising what appeared to be judicial functions; and the history of the institutions, all through the eighteenth century, is the history of a slow spontaneous process of differentiation between the two functions. "In the latter part of the seventeenth century it might have been taken for granted," write the Webbs, "that the bulk of local government entrusted to the Rulers of the County would be transacted by judicial process in Open Court, according to the verdicts of the Juries, the presentments of the Constables, and the findings, 'on their own view,' of particular Justices of the Peace. By 1835 the merest fragment of county business was done in Open Court, and that only as a matter of form; the Grand Jury had almost entirely ceased to concern itself about local government; the Hundred Jury and the enigmatical Jury of Constables had disappeared, whilst the High and Petty Constables were no longer semi-independent officers of judicial position, and had become merely the nominees, if not the hirelings, of the Justices of the Peace."\*

Another point should be noted. About the time when Gneist wrote,

\* S. and B. Webb, *The Parish and the County*, p. 480.

there was a school of French political writers who had, on their own account, observed and appreciated the "decentralization," as they called it, of the British system, contrasting it with the Napoleonic system of a centralized hierarchy of salaried officials. Gneist disliked both the word "decentralization"—a French slogan, he said, and therefore not to be trusted\*—and the interpretation of British institutions which it implied. The French supporters of decentralization were in the main pious Catholics, who wanted to weaken the secular State in order to strengthen the Church. Our Prussian lawyer wanted a strong centralized State if only in order to counteract such tendencies. He therefore insisted upon the fact that the British State was highly centralized, and that if it had been able to allow so much liberty to the local organs of government, it was because it had become centralized at such an early stage in its history, that nobody even dreamt of discussing its sovereignty. The autonomy of the Justices of the Peace was, he said, by common admission, limited to applying the law, and raising and spending the rates; it was purely administrative, and strictly limited by the legislative power of Parliament. Now, no one would dream of denying that Gneist was right from a strictly legal point of view. But are there not cases where law breaks down under the weight of facts? And is it always an easy task to draw a line between an administrative order and a bye-law, a bye-law and a law? The Webbs have shown how, little by little, the Justices of the Peace had got much farther on the road which leads to decentralization than Gneist liked to admit; how they had acquired, within the limits of the county, real legislative powers; and how the Court of Quarter Sessions had, at the beginning of the nineteenth century, actually become, to quote their own words, "an Inchoate County Legislature, formulating new policies in respect to the prevention of crime, the treatment of criminals, the licensing of ale-houses, the relief of destitution, the maintenance of roads and bridges, the assessment of local taxation, and even the permissible habits of life of whole sections of the community."† Could, in fact, anything have been more natural in a country where the field of statute law was considered by everybody as limited, and where everyone had been accustomed, for centuries, to see judges "making law"?

I have, up to now, confined myself to the description of facts, and

\* *Die heutige englische Communalverfassung*, p. 857.

† S. and B. Webb, *The Parish and the County*, p. 482.

have merely noted an historical fact, the praise which Rudolf Gneist heaped upon the system. Now that the time has come to pass judgment upon it, is it necessary that I should preface my criticism by the general remark that Gneist's praise rests upon a political philosophy which does not fit in with modern democratic ideas? and that we find it, *a priori*, difficult to accept a system of local government by which a body of gentlemen owning land of a yearly value of two hundred pounds or more, were endowed with extremely drastic powers of justice, police, and administration? It is, however, dangerous for an historian to deal with generalities: in order to appreciate how far the powers exerted by the Justices of the Peace were really tyrannical, it is better to concentrate our attention upon what were at the time the main grievances of opinion against the tyranny of the Justices of the Peace—the licensing acts and the game laws.

The Justices of the Peace had the power, at "Brewster Sessions," as they were called, of granting and renewing ale-house licences. That country squires should be allowed to reserve for themselves the right to drunkenness as a monopoly was, of course, intolerable to the young Radicals. As regards the game laws, not only was it an obvious scandal that sporting rights should be reserved for wealthy landowners and tenants, while the penalties against the crime of poaching, defined with ever-increasing rigour, tended to become heavier and heavier; but, besides this, the magistrates, who administered the law, were those very Justices of the Peace, the leaders of the privileged hunting men of the country. This was an abuse which it was impossible for the rising democratic conscience to endure.

Indeed, as regards the problem of licensing, the firmness of the Justices of the Peace in refusing new licences (a firmness which our age feels inclined to judge more leniently than did the more liberally minded radicalism of the early nineteenth century) was a new fact, dating from the era of the Evangelical Revival: the lavish granting of new licences, often from corrupt motives, still went on in many of the Municipal Corporations, with their very peculiar bodies of non-aristocratic Justices of the Peace; and a good many old-fashioned Tory country gentlemen must have grumbled at the new austerity which had been forced upon the country by a more pietistic generation. In fact, as early as 1830, even before the general election which followed the death of George IV, an unreformed Parliament made it legal for any ratepayer to open a beer-shop, without any licence from

the magistrates, merely on payment of two pounds "excise duty."\* As with the game laws, it should be remembered that, whenever the case was a serious one, it had to be tried at Quarter Sessions, when the magistrates were assisted by a jury; and, moreover, that the severity of the penalties was no anomaly in English criminal law, which, if it was in general fantastically severe, was also incredibly ill-applied. If we were to take the game laws literally, we should imagine the members of the English gentry as barbarians of the Russian or Polish type, glad, for the sake of sport, to abandon their tenants' corn-fields to the depredations of hares and pheasants, and we should forget that these same gentlemen were all the time holding up, and rightly holding up, English agriculture as a model to the rest of the world. At all events, Parliament passed in 1831 a new Game Bill,† which seemed to have satisfied all the grumblers. A report of the Poor Law Commissioners, written a few years later on the state of the rural poor, gives one the impression that what prevailed in rural England was a state of lawlessness, based upon the tyranny of the poacher rather than that of the gamekeeper.

I have insisted upon this problem of the Game Laws (which is really outside my subject) because it was the only case (with the power of refusing licences) where we have found any serious complaints against the tyranny of the squire, as favoured by the system of aristocratic self-government; and except for these particular aspects of their activities, the novels of the time give one the impression that the country gentleman was generally popular: William Godwin's *Caleb Williams*, the work of an eccentric revolutionist, written before the beginning of the century, is a quite isolated example of the opposite point of view. The really objectionable feature of their rule was not its harshness, but its looseness, due, as I believe, to the combined operation of three causes: lack of numbers, lack of competence, and lack of power to enforce the application of the law.

Lack of numbers. There had been, roughly speaking, two thousand five hundred Justices of the Peace in England towards the end of the seventeenth century; there were now five thousand; but this increase was not proportionate to the increase in the population and growth in complication of the affairs to be dealt with. Think for a moment of the huge town, already called London, and growing into a greater

\* 11 Geo. IV and 1 Will. IV, c. 64. An Act to permit the general Sale of Beer and Cyder by Retail in England.

† 1 & 2 Will. IV, c. 32. An Act to amend the Laws in England relative to Game.

and greater London, which expanded all round the City of London, a county corporate, and the City and Borough of Westminster: where could you find in this maze of streets and lanes the number of country gentlemen required to perform adequately the duties of a local government official? The problem was the same, only more acute, in those huge mining or industrial districts, urban and not rural, although they did not look like concentrated towns, which were a new and striking feature of the Midlands, South Wales, and the North of England. The problem was rendered more difficult to solve through the fact that, as industry progressed, the country gentleman fled; and it was a rule, rigidly observed at all events in Lancashire, that none of the new owners of the land, the wealthy and adventurous captains of the rising industry, could be admitted to the Bench. May we not conjecture that if, towards the end of the eighteenth century and the beginning of the nineteenth century, so many clergymen were appointed Justices of the Peace, one at least of the reasons was the dearth of country gentlemen of the ordinary type? The total number of clergymen who were Justices was, in 1832—we are told by the Webbs—no fewer than 1,354, or one-fourth of the whole.\* And, if we consider the number of those who not only were Justices, but conscientiously acquitted themselves of their duties, and attended sessions, the proportion is a much higher one. One-half, asserts Joseph Hume.† More than two-thirds, shrieks Cobbett.‡ This was too narrow a basis—and it was growing relatively narrower every year—for the administration of the huge fabric of English modern industrial civilization.

Lack of competence. The difficulty was not only that the society which the Justices of the Peace had to administer was more numerous than it had been one century earlier; it was also, as we have just pointed out, more complicated. It was not only that a more numerous population wanted more roads, it wanted better roads than a contemporary of William III and Marlborough could have dreamt of. It was not only that more criminals had to be sent to gaol; modern philanthropy could simply not put up with the rough and careless treatment to which the early eighteenth century was content to submit criminals. Hence, whether it was a problem of building a road or a bridge, or of building or managing a prison, an amount of technical

\* S. and B. Webb, *The Parish and the County*, p. 384.

† H. of C., April 18, 1833. (*Parl. Deb.*, 3rd series, vol. xvii, p. 282).

‡ *Political Register*, May 22, 1811 (vol. xix, p. 1256).

knowledge was required, which it was absurd to suppose the average Justice of the Peace possessed, unless we assume, as Gneist apparently did, that the mere fact of being a man of leisure and of having public duties forced upon him, trains a man adequately for the fulfilment of these duties. Lawyers might have been more successful in applying the trained nimbleness of their minds to many problems of local government. In fact, "attorneys, solicitors, and proctors" were prohibited by law from being made Justices of the Peace, probably for fear that they might take an interested use of the powers conferred upon them. But, forbidden from entering the body through the main entrance, the lawyers had found a way of creeping in through a back door, with results that were not always satisfactory. As Clerk of the Peace, or Deputy Clerk of the Peace, and as the constant adviser of the magistrates, paid by fees, a clever solicitor knew how to increase his income by piling on legal expenses of all kinds. Moreover, in the absence of a body of salaried technicians to supervise the local public works (as concerned with the upkeep of those which were in existence, and building of new ones), the Justices of the Peace had adopted the habit of "farming" the works to contractors at the lowest cost. Payment by fees and administration by contractors were the hidden realities behind the façade of an unpaid magistracy.

Lastly, lack of power. The gentry, by reducing the control of the central government to practically nothing, had deprived themselves of its help in suppressing disorder and crime. England was a country with no police, and was apt to be proud of the fact. "They have an admirable police in Paris," wrote John William Ward, "but they pay for it dear enough. I had rather half a dozen people's throats should be cut in Ratcliffe Highway every three or four years than be subject to domiciliary visits, spies, and all the rest of Fouché's contrivances."\*\* Perhaps so; but more and more people were beginning to believe that, as the volume and complexity of modern society became greater, something had to be done to change this state of old-fashioned eighteenth-century anarchy. In the metropolis Pitt had already established a body of stipendiary magistrates, pending the day when, in 1829, Peel was to organize his famous "New Police" under the immediate control of the Home Office. But what of the provinces? Without the assistance of an organized body of police what could the magistrates do, isolated as they were on their estates, and swamped by the mass of agricultural labourers, colliers, or factory

\* *Letters to Ivy*, December 27, 1811, p. 146.

hands? They might eventually be called upon by the sheriff to raise the *posse comitatus*, or constabulary force of the county. But too often, when this happened, those who were appealed to did not respond. "It was surprising," writes a sheriff, "how many wives and daughters were suddenly found to require sea-bathing at Ardrossan, the waters of Harrogate, or the prescriptions of Dr. Jephson at Leamington."\* Even the special constables, when at last they were enrolled, were difficult to manage: "they were quite willing to defend their shops and warehouses, but . . . hoped they would not be required to do more." What, then, were the resources of a defenceless gentry? On the one hand, the absurd severity of the penal code, which compensated for the extreme uncertainty of its application, and on another hand, an extreme laxness in the interpretation of the law. Let us take as an example the administration of the Poor Laws. More and more power was given to the Justices of the Peace in this respect; and the result was a growing lavishness. They forced upon the Government the abandonment of the workhouse test, and started the ruinous system of rates in aid of wages. Why? Because they were afraid of having to face a rural insurrection, and preferred to bribe the common labourers into orderliness.

Thus did the system work; and if in one respect its working was harsher than it had been in the past (I am thinking of the licensing of public-houses), in all other respects its main feature was mildness. Nor should it be right for us to swing to the other extreme, and interpret this laxness as a symptom of decay. On the whole, the system was working better than it had worked before.

The *personnel* on the County Bench had improved, as everybody would have admitted at the time: everybody bore witness to their honesty. Their zeal had certainly increased. Was this due, as Gneist suggests, to the fact that, with the extinction of the independent cultivators of the soil and the growth of the tenant system, the land-owners, enjoying more and more leisure, were more and more in the position of the *classe disposible* of the French economists of the physiocratic school, the class on which the Physiocrats wished all

\* Sir Archibald Alison, Bart.—*Some accounts of my life and writings*, vol. i, pp. 488–9, 577.—The incidents mentioned by Sir Archibald Alison concern, in fact, the years of Chartism; but there is no doubt that the same incidents might have happened, and probably actually happened, in the years of Luddism. It is interesting to note that Sir Archibald Alison is the strong upholder of the organization of a State police, and is extremely ironical about "the boasted securities of self-government" for the very reason that he is a high Tory.

functions of government to devolve? Or was it, as the Webbs suggest, because of the necessity felt by a highly political ruling class, of counteracting, by reform readily granted, the contagion of French Jacobinism? Or, lastly, should we not take into account the influence of the evangelical movement, which certainly gave the ruling class a new tone of earnestness? Was it not in particular due—among other causes—to this religious influence that so many clergymen were made Justices of the Peace, with the best results for the local administration of justice, police, and government? Again, the administrative structure was perfected, at the same time as the *personnel* was improved. The last and most learned historians of English local government have explained how, all through the eighteenth century, the different “sessions” in each county were being imperceptibly organized: how, in the process, some reality was given to its “divisions”; how Quarter Sessions began to have the regular assistance of any number of standing committees. They are able to show us one county—unfortunately not Lancashire nor the West Riding, but Gloucestershire—as a model of good organization, “with a General Audit Committee, a Vagrant Committee, various Bridge Committees, as well as special Committees on the prison dietary, on the county archives, and on the actuarial basis of friendly societies.”\* And not only were the counties better organized, but other organizations were superimposed both upon them and upon the municipal corporations; bodies constituted by statute, made up of appointed members, with special duties to perform. The Turnpike Trusts had to see to it that the necessary roads should be built, with power to raise money in order to build them, and power to levy tolls upon those who used them. The Improvement Commissioners had to see to the building and lighting of the streets, with power to raise rates for this particular purpose. And Turnpike Trusts and Improvement Commissioners performed their duties well.

It is necessary, indeed, if we want to estimate English local government in the beginning of the nineteenth century at its proper value, to compare its achievements not only with what has been done after “a century of municipal progress,” but also with what was being done in other countries during the same period of history. It is all very well to denounce the deplorable sanitary conditions in English towns and even in rural England; but we must not forget that conditions were worse even in the more civilized parts of the Continent, as was proved by a higher death rate. It is all very well to denounce the

\* S. and B. Webb, *The Parish and the County*, p. 532.

filthy and barbarous treatment meted out to prisoners in the English gaols; but we must not forget the philanthropic work accomplished by Howard at the end of the eighteenth century; rather should we remember that Howard started on his career as a reformer when, in spite of his being a Dissenter, he was chosen as a sheriff by the Shropshire gentry. It is all very well for a disciple of Bentham to write a devastating criticism in the *Westminster Review* of the system of local government by unpaid magistrates, and ask for the improvement of the road system under the supervision of a “corps des ponts et chaussées”; but we must not forget that England, self-governed England, was the country of Telford and Macadam, and that our Benthamite is writing in refutation of a book in which a French technician, endowed with all the authority of an expert, had praised English streets and roads, so superior, he declared, to anything in France, where everything was done under the control of salaried officials.\* British philanthropy was exacting; so was the English need for comfort; but, although we may admit that the rate of progress was less rapid than the increase in the number and complexity of the problems to be solved, it would be unfair not to mention the amount of progress already accomplished.

“The reaction against the extra-legal autocratic oligarchy which had been established in county government was,” write Mr. and Mrs. Webb, “dramatic in its suddenness.”† We confess to having our doubts as to this dramatic suddenness. Catholic emancipation was dramatic in its suddenness: so was the passing of the Reform Bill; but the stripping of the “extra-legal autocratic oligarchy” was not. The striking thing, indeed, during the years which immediately follow the restoration of peace is that, while the economic monopoly of the landed gentry, as expressed by the passing of the Corn Law of 1815, and the political monopoly due to the ownership of so many pocket boroughs were violently attacked, it does not seem as if anybody objected very much to their monopoly of local government. An important Bill “consolidating and amending” the laws relating to gaols and houses of correction was passed in 1823; it put them more strictly than ever before under the control of the Justices of the Peace;

\* *Westminster Review*, No. viii, October 1825, art. 1, “Commercial Power of Britain.”—Charles Dupin, *Voyages dans la Grande Bretagne. Force commerciale de la Grande Bretagne. Voies publiques*.

† S. and B. Webb, *The Parish and the County*, p. 557.

it enacted that there should be one gaol and one house of correction in every county, and that in every county Quarter Sessions should appoint "visiting Justices," with difficult duties in connection with the inspection of the management of prisons.\* Shall we say that this was a Tory measure against which the Opposition might well have protested? In fact, there was no protest. Only a few years earlier Whitbread, an advanced Liberal, introducing a Bill for the establishment of a general system of elementary education, had suggested that it should be put under the control of the Justices of the Peace. "The system of magistracy," he admitted, "had its defects, but," he went on, "in what other country was there a body so excellent?"† Of course, this new duty was an additional burden thrown upon the shoulders of magistrates, who, if they were conscientious, were already overburdened. "As to the powers," wrote Blackstone in 1765, "given to one, two, or more justices," "such an infinite variety of business" has been "heaped upon them" by statute after statute that "few care to undertake, and fewer understand, the office."‡ If this was true in 1765, how much truer was it sixty years later? But public opinion, although more exacting, seems to have been on the whole satisfied with the rulers of the county. During the years which followed, there were, as we shall see, two important attacks on the established system of local government which were not aimed at the landed gentry. In some other respects, indeed, the magistrates were stripped of part of their administrative powers. But the most striking instance was the Poor Law Amendment Act of 1834; and, in this case, the thing happened in accordance with their secret desire and tacit agreement, because the power of which they were deprived was one which they felt as an obligation, the weight of which was greater than they were able or willing to bear.

The first attack was directed against the constitution not of the county but of the parish. The assemblies which ruled the parishes, called "vestries," were either close vestries, composed of a limited number of members recruited by co-option, or open vestries, composed of all the ratepayers, governing by public meeting. Open vestries, in the big towns and more particularly in London, were supposed to be demagogic and wasteful in so far as they had to deal

\* 4 Geo. IV, c. 64. An Act for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction in England and Wales.

† H. of C., July 13, 1897 (*Parl. Deb.*, vol. ix, p. 803).

‡ *Comm.*, i, p. 354.

with the relief of the poor. Sturges Bourne's Act, in 1818,\* substituted, in the interest of the wealthier inhabitants, representative government for direct government of the people by the people, and representative government so constituted that a system of plural voting gave more votes to the wealthy than to the poor ratepayer. This happened in the years of Tory reaction, and should perhaps not be considered as an integral part of the reform movement; although, in so far as it was a reaction against the wastefulness of the Poor Law as administered in those days, we must admit that it agreed in spirit with the legislation which followed. But the next Bill voted by Parliament, eleven years later, in the fever which attended the passing of the first Reform Bill, for the reform of the vestries, was a really democratic Bill, introducing household if not universal suffrage, the ballot, although its employment was made optional, and annual elections, although the rate-payers were to elect only one-third of the vestry every year.† The Bill, indeed, was optional, and, as things happened, was only applied to select vestries; it nevertheless inspired the radicals with a new hope. "If they who have the power had the knowledge," wrote Francis Place, the radical tailor of Charing Cross, to John Hobhouse, "they would at once pass an Act giving to every parish both the right and the power to elect their own vestries annually, giving to each vestry the power to originate and control all parish matters in every department, compelling them, however, to proceed in one uniform way all over the country, doing everything openly and publishing the audited accounts every three months."‡ In 1835 a General Highways Act placed the highways of England under the control of the vestries.§ Would it not be possible, through a general application of the same method, to remould and unify the whole system of British local government, upon the basis of the parish?

Such was the ideal to which Joshua Toulmin Smith, an antiquarian well known in his day, was to devote a life of research and propaganda.|| But, for obvious reasons, this was not the way in which things actually worked out. The parish was primarily an ecclesiastical, not a

\* 58 Geo. III, c. 69. An Act for the Regulation of Parish Vestries.

† 1 & 2 Will. IV, c. 60. An Act for the better Regulation of Vestries, and for the Appointment of Auditors of Accounts, in certain Parishes of England and Wales.

‡ Place to Hobhouse, March 22, 1830. (Quoted by Graham Wallas, *Life of Francis Place*, p. 155.)

§ 5 & 6 Will. IV, c. 50. An Act to consolidate and amend the Laws relating to Highways in that part of Great Britain called England.

|| See his work, *The Parish*, 1854.

civil, division of the country: indeed, if the radicals of 1831 concentrated their efforts against the vestries, and more particularly the close vestries, it was for reasons which had less to do with their anxiety for efficient administration than with their hatred for such hotbeds of Anglicanism. The parishes, again, were too unequal in importance; and even the largest were too small to be suitable units of local government. In spite of the interest taken by Francis Place and a good many metropolitan radicals in the fate of Hobhouse's Bill, orthodox radicalism had another plan for the reorganization of local government, a plan which old Jeremy Bentham, with the assistance of the Unitarian medical doctor Southwood Smith, was working out in his *Constitutional Code*. Bentham dreamt of a new division of the county, probably as different in his mind from the traditional division as the division of France into *départements* had been from the former division into *provinces*. These divisions he called districts, and in each of them he placed a Sub-Legislature, elected, like the Legislature itself, by universal suffrage, and "exercising under the authority of the Legislature, either as to the whole or as to a part of its logical field of service, functions of the same nature as those of the Legislature."\* The Benthamites had strong opinions about the necessity of one efficient bureaucracy with a large number of functions: equally extended would be the field of control of the sub-legislature within their limited geographical sphere. They would, in particular, be concerned with questions of police, "indigence relief," and education. Thus England would combine the advantages of centralization with those of decentralization, and moreover, the advantages of decentralization with those of democracy: she would have local self-government without government by the gentry. This part of Bentham's *Constitutional Code* had not yet come out when he died in 1832; but it was the esoteric doctrine of a group of disciples, who managed, one year after Bentham's death, to invade the Royal Commission appointed to inquire "into the administration and practical operation of the Poor Law" under peculiarly interesting circumstances.

The financial burden of the Poor Law had become intolerable: we have, as the reader will remember, tried to give one at least of the reasons for the increasing baseness of its administration. Without going as far as the orthodox political economists, who clamoured for the abolition pure and simple of all kinds of poor relief, the rural gentry, who desired a more rigid administration of the law, and in particular

\* *Constitutional Code*, chap. xix. (Works, ed. Bowring, vol. ix, pp. 640, 699.)

a return to the application of the workhouse test, were anxious to shift the task of measuring poor relief on to a bureaucracy which, being in less immediate contact with the poor, would be less accessible than themselves to those mixed feelings of fear and pity which made for financial extravagance. These views happened to coincide with those of the orthodox radicals, who, while they were on the one hand wedded to the uncharitable views of the new political economy, were at the same time glad to put salaried officials in the place of unpaid members of the gentry. The outcome of the labours of the Royal Commission, as embodied in a Bill hurriedly passed by Parliament,\* was, in the first place, to establish three so called "commissioners" with full power to order the building of workhouses and make rules for their management when built (this was considered, at the time, as an unconstitutional bureaucratic innovation): in the second place, to revise the administrative map of England, and group the parishes, which had been found to be too small and unequal, into larger units, called "unions"; and in the third place, to enact that each "union" of parishes should be administered by a "board of guardians of the poor," elected by household suffrage and plural voting, and having power to apply to individual cases the general rules laid down by the central body of Commissioners and also to appoint the local Poor Law officials. This was clearly an approach to Bentham's plan of a new division of the country into "districts," each district being administered by elected "sub-legislatures." And the question then arose: why not extend the powers of the boards of guardians to other matters than "indigence relief," and gradually apply the new semi-elective, semi-bureaucratic system of unions to the whole field of local government?

Some attempts were made in this direction. They succeeded once, and once only. When a civil registry was set up use was made of the framework of the Poor Law.† The Poor Law Commissioners appointed in every union registrars who were co-ordinated by a central board for each county (called in this instance a district), while the district boards were in their turn controlled by a national board. But the suggestion was made in vain, that the highway districts should be made coterminous with the unions, and placed under the control of

\* 4 & 5 Will. IV, c. 76. An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales.

† 6 & 7 Will IV, c. 86. An Act for registering Births, Deaths, and Marriages in England.

the Boards of Guardians; and the suggestion that the Boards of Guardians should be used for the assessment, levy, and administration of the county rate, also came to nothing. The radicals objected to the plural vote by which the Boards of Guardians were elected: why not abolish it, as had been done by Hobhouse's Act of 1831? Others objected that the division of the country into unions did not fit in with the division into counties: was not the difficulty overcome when the Registration Bill was passed?\* The real and unsurmountable objection was the unpopularity which clung to a machinery which had been erected for the express purpose of making it more difficult and more unpleasant for the poor to get relief. In fact, when it was decided to assimilate the registration districts with the Poor Law Unions, it was suspected, not without good reason, that this was a trick allowing the Commissioners to create new unions in the North of England at first in the form of registration districts, and thus avoid the danger of an outburst of popular wrath. While discussing a few months ago with an English friend the plan of the present volume, I wondered why the year 1835 rather than the year 1834 had been chosen as a critical date in the history of English local government. The answer was: "You could not begin with the Poor Law." And I admit that the answer was right. The Poor Law Amendment Act was the most genuine attempt made after 1832 towards a systematic organization of English Local Government; but the work was started in such a way as to render any body of salaried officials hateful to the masses. The Benthamites did things in the right way, but they began at the wrong end.

Hence the complicated, slow, and entirely undramatic development of the later history of English Local Government. In the very year which followed the year when the Poor Law Amendment was passed, the municipal corporations were reformed. Too many of them had been parliamentary boroughs with a burgage tenure franchise; they were strongholds of the Tory and High Church Party, which radical agitators and political dissenters had good grounds for hating. But no one seems to have thought of merging them into some general plan of municipal government covering the whole country. Parliament was content with creating, instead of one hundred and seventy-four

\* It is interesting to note that, in 1836, an Act was passed in order to allow a rapid assimilation of the "divisions" of counties with the Poor Law "Unions" (6 & 7 Will. IV, c. 12. An Act for amending an Act of the Ninth Year of the Reign of his late Majesty, King George the Fourth; intituled *an Act for the better Regulation of Divisions in the Several Counties of England and Wales*).

close corporations, the same number of elected bodies: mere islands of democratic self-government in the midst of a country where the old forms of self-government, dear to the heart of Rudolf Gneist, still prevailed. What happened in the course of time was that new *ad hoc* bodies sprang up, one after another, for this or for that purpose, on a plan which resembled the plan of the Poor Law Amendment Act, but in no direct connection with it. My subject, in fact, has come to an end: I have been asked to tell only the "prehistory" of the Act of 1835. Suffice it to say, that what we observe, in and after 1834, is not order rising out of chaos, but only a new patchwork taking the place of the old one.

The passing of the Reform Bill in 1832 has often been considered, and rightly considered, as a bold move of the Whig aristocracy, which kept their political influence practically intact for another half century: but we do not think historians have paid enough attention to the fact that the passing of the Poor Law Amendment Bill two years later was perhaps a still more clever manœuvre on the part of the ruling gentry. In allowing the radical doctrinaires to dispossess them of this most important part of their administrative duties, they escaped the unpopularity which must necessarily have followed a more rigid interpretation of the law. When a violent campaign was launched all through the North of England against the New Poor Law, the agitators held up the previous régime of parish overseers controlled by county magistrates as a kind of paradise lost; and the gentry gained more in moral influence than they lost in administrative power.

Writing a quarter of a century later, Gneist, although alarmed at certain symptoms of incipient change, could still legitimately consider England as a country ruled from top to bottom by her gentry. Twenty years later again, we find Samuel Barnett—Canon Barnett of Toynbee Hall—explaining to his pupils in Oxford that "most of the local laws of England presuppose a leisured and educated class to see that they are carried out."<sup>\*</sup> Even when in the beginning of the twentieth century the Justices of the Peace had (in conformity, by the way, with Montesquieu's theory of the separation of powers) lost almost all their administrative powers, they still retained their judicial powers. It even happened that in 1907, under a Radical Government, Haldane's Territorial and Reserve Forces Act once more endowed members

\* "Squires of East London. Oxford House in Bethnal Green. To-day's Jubilee." By James Adderley. (*The Times*, July 11, 1934.)

of the local gentry with quasi-administrative functions. Of course the Bench of the Justices is recruited from a far more democratic class than was the case in the days of George IV; but the old gentry are still there; and the invaders from below seem anxious to display the same public spirit as the gentry of former days displayed, or was supposed to display. What, on the other hand, of the elective boards created for the satisfaction of so many new needs of local government, boards of guardians, boards of health, highway boards, school boards, finally county councils, which were in the long run to supersede all the other boards? In the rural and more conservative parts of the kingdom it looks as if the elected members were very much the same as would have been appointed in former days as Justices of the Peace; and everywhere, it looks as if the more or less conscious aim of the unpaid members of so many new bodies had very generally been to imbibe as much as possible of the spirit of the "great unpaid." In order to account for this continuity, may we venture to suggest that just as before the change began the evangelicalism of the Church had leavened the Toryism of the gentry, so in the times which followed the evangelicalism of the sects leavened the radicalism of the middle class and the labourism of the trade union world? At all events, let us not try to understand the present without a knowledge of the past. Let post-Victorian England remember her debt to the spirit not only of Victorian, but of pre-Victorian England.

## CHAPTER II

## THE SOCIAL BACKGROUND

1835—1935

*by*

J. L. HAMMOND

IF we compare the state of the English towns in 1835 with their state in 1935, we might well conclude that the creation of our modern system of local government is the greatest British achievement in the last hundred years. At the time of the passing of the Municipal Corporations Act the English towns were sunk in a condition of barbarism that would have put a citizen of the Roman Empire to the blush. They had none of the amenities, few of the decencies of civilization. Lyon Playfair told the Health of Towns Commission in 1842 that in all Lancashire there was only one town, Preston, with a public park, and only one, Liverpool, with public baths. In 1850 William Ewart, the leader of the crusade for public libraries, told the House of Commons that large and populous towns like Leeds and Sheffield were without public libraries of any kind. These were considered luxuries. But water and drains and clean streets were lacking also. The Health of Towns Commission reported in 1844 that of the fifty large towns of England there was scarcely one in which the drainage was good and only six in which the water supply was good. A leading historian has said of the century that followed, "This nation has shown the way to all others in means for the removal of filth and the supply of pure water."\* Nothing surely that the British people have done in the world in these hundred years is more important than the revolution it has effected in its local government.

One thing must strike the reader who reflects on this century of reform. Southeby, one of the few men of his age to grasp the importance of civilizing the conditions of town life, remarked on the neglect of the times: "The Augean stable might have been kept clean by ordinary labour, if from the first the filth had been removed every day; when it had been accumulated for years, it became a task for Hercules to cleanse it." The task set the British people was Herculean, but there has been no Hercules in the story of reform. We can connect most

\* *The People on its Trial*, by Stanley Leathes, p. 122.

reforms with statesmen whose names are household words, but the reform of local government is not in this class. There was no President of the Local Government Board until 1872, and it is only lately that the office has been considered one of capital importance. Few front bench men took part in the debates on these questions in the nineteenth century. At the time when the barbarism of our towns was a danger to civilization, comparable, as Macaulay put it, to the danger to which the Roman Empire was exposed when its vitality was overmatched by its barbarian neighbours, an ambitious man would seek to be Chancellor of the Exchequer or Secretary of State for Foreign Affairs; the questions that concerned local life were the care of minor Ministers. The Minister who introduced and passed Bills on which depended the health of London, Manchester, and Leeds in the forties was known as the Chief Commissioner for Woods and Forests.

This is not an accident. It is a fact of significance. When the municipalities of the Roman Empire were in Toynbee's brilliant description "a thousand city states living side by side in peace and concord," town life was engaging the interest and exciting the imagination of the best minds of the age. In England, when the nineteenth century opened, the country districts and those districts that were country one day and town the next were under the rule of the squires, men often of character and courage but not as a rule men of large views or wide imagination; the towns were under the rule of little oligarchies, seldom public spirited and often corrupt. The focus of politics was Parliament, a rival with which local statesmanship had not been embarrassed in the Roman Empire. And Parliament itself had no tradition to help the creative spirit. The ruling mind of the eighteenth century looked on local life as the province of the country gentleman, aided by overseers and parish constables. Parliament itself was regarded rather as a checking and limiting body than a legislative body. It existed to examine and abate grievances. It was a bridle on the executive power.

In this atmosphere it was not easy to set out on the creation of a system of local government in England as a deliberative and coherent effort of statesmanship. The constructive temper was too feeble; the tradition of the eighteenth century too strong. The reform of local government did not break with that tradition; rather it followed it. For as Parliament was looked upon as a tribunal, a check on the executive power, the habit grew up in the eighteenth century of appointing bodies and committees to inquire into this or that alleged grievance or abuse. After the Reform Bill, when England had a Par-

liament more in touch with the needs and temper of the new society created by the beginning of the industrial revolution, this method was used with great effect by public men who wanted to call attention to a particular problem and to bring to bear upon it the skilled experience of men who had studied it. The great series of parliamentary inquiries which play so large a part in the history of the nineteenth century, served two purposes of importance. They roused the concern of Parliament and the Press, and they called into the public service doctors, lawyers, and thinkers who acted first as teachers, then as agents; men like Joseph Parkes, Edwin Chadwick, Southwood Smith, Lyon Playfair, W. H. Duncan, the great Liverpool doctor who made his town a pioneer in public health, and John Simon, who was first Medical Officer to the City of London and then, as Medical Officer to the Privy Council, the nation's leading adviser on public health. The history of local government is traced through a series of great names, through the patient work of men behind the scenes rather than the splendid triumph of actors on the stage. It has no pitched battles leaving behind them heroic echoes. It has no Midlothian campaigns.

This is one reason why it made such slow progress, why, when you read the Report of the great Sanitary Commission of 1869, you find the same complaints that you find in the Report of the Committee of 1840, and why when you come to the Report of the Commission of 1884 you find again the evils of which you had read in the Report of 1869. In 1871 Gladstone made a remarkable statement in the course of a famous speech at Blackheath. He said that Governments had every motive for legislating on such questions because they were not party questions, "because while we are dealing with them the existence of the Government is hardly in question, because instead of a constant and daily strife, you have, upon the whole, concord and harmony between the two sides of the House." But politics owed all their excitement at this time to the spirit of warfare, and unless a subject lent itself to dramatic conflict it was apt to be neglected. *The Times* called attention to this difficulty in the way of sanitary reform as early as 1847: "The crusade falls to the ground for want of a Saladin." The driving force in politics was party spirit or sectarian spirit, and measures that did not excite either were at a great disadvantage. The description given by *The Times* in 1872, when Stansfeld introduced the Government's Bill for creating local sanitary authorities, would apply to many such debates. "The House of Commons presented an appearance which might have been expected if the subject under

discussion had been a Turnpike Bill, instead of a measure involving the health and happiness, the moral and material prosperity of the nation. A mere handful of members were thinly scattered over the Ministerial Benches, while the opposite side of the House looked still more deserted and forlorn. Dr. Lyon Playfair, in the opening sentence of his speech in favour of the Bill, took occasion to twit the Conservative Party with their apparent indifference to the new Tory watchword, '*Sanitas sanitatum, omnia sanitas*', proclaimed by Mr. Disraeli to his admirers and adherents at Manchester. It must be allowed, however, that Liberal members showed little more interest than their opponents." For the first half century after the passing of the Reform Bill the men who were pushing for the reform of local government, men like Chadwick, Ashley, Normanby, Hume, Toynbee, Dickens, and Delane, were pushing against a dead weight of apathy just because local government was not a party question or a question over which church fought chapel or landlord fought manufacturer. In 1847 and 1848 there were long debates in Parliament on the Public Health Bills introduced by Lord John Russell's Government. The *Annual Register* devoted to the proceedings of Parliament 259 pages in 1847 and 194 pages in 1848, but did not give a single line to these debates.

To understand this we must keep in mind an important aspect of nineteenth-century politics. They provided the English people with the dramatic excitement which to-day is supplied by the theatre, the cinema, and other kinds of public entertainment. The prestige enjoyed to-day by great film actors or great athletic heroes was then enjoyed by statesmen. In the first half of the century, in a society without theatres, music, galleries, or playgrounds, there was hardly any rival to politics as an absorbing diversion. When later in the century this great empty space was slowly filled up by public amenities the tradition lasted because England happened to have in Disraeli and Gladstone two public men whose contests held her spellbound.

If you turn from party politics to the life of the towns it is easy to understand why there was less ardour for action and reform than would naturally be expected from new authorities having their first taste of power. The Municipal Corporations Act of 1835 was a revolutionary measure in the sense that it swept aside the mayors and aldermen and little oligarchies of co-opted and self-elected aldermen and burgesses who were in office in the old corporations, and substituted elective town councils. But if you considered who elected those town councils, what power they exercised, and how little they could do, it

was a conservative measure. In 1835 Liverpool, with a population of 200,000, had 6,000 voters. Until 1850, when the municipal franchise was extended by an accident, the electorate was a middle-class electorate. The powers exercised by these town councils were very much restricted. Before 1835 when a town wanted some public service or improvement, it appealed to Parliament for a special Act, and Commissioners were set up to undertake the supply of gas or the paving of streets or the making of sewers or whatever the special task might be. When the Act of 1835 was passed the town councils were not allowed to absorb these Commissions. The Corporations Act merely provided that the Commissions could transfer their powers if they pleased to the town councils. The effect of this decision was seen in the figures given by Lord Morpeth in the House of Commons when he introduced his Public Health Bill on May 5, 1848. There were only 29 towns where the powers of draining, cleansing, and paving were vested exclusively in the town council. There were 66 towns where those powers were exercised jointly by town councils and Commissioners. There were 30 towns where the town councils had no powers of draining, cleansing, and paving, and where these powers were exercised independently by Commissioners. Lastly there were 62 towns where there was no authority exercising such powers. Thus thirteen years after the passing of the Municipal Corporations Act, out of England's 187 incorporated towns, 62 were left without means of draining or cleansing, and only 29 had power to act through their elected government. Of towns with over 5,000 inhabitants, there were in all 276 that were left, so far as sanitation, streets, and water were concerned, to complete anarchy.

The narrow limits within which the Corporations were confined by the Act of 1835 were due to distrust of the new authorities. Morpeth said that the Government had been afraid that the new town councils would be political. Apart from this there was great anxiety on the part of all the vested interests, water companies, gas companies, railway companies, even burial companies, in addition to the general alarm of property. There was thus from the first a great obstacle to all efforts to give the town councils power. On the other side, local authorities were very jealous of their independence, and many of them resisted obstinately all proposals for setting up a central department. The relationship that exists to-day between local authorities and central government follows the plans outlined by Tom Taylor, the famous editor of *Punch*, who was on the staff of the Home Office and after-

wards the secretary of the first Local Government Board, in a paper that he read to the Social Science Congress of 1857. The local and central authorities are connected in two ways. The central authority has certain limited powers of inspection and control, and the local authorities subject to this pressure are stimulated by direct help from the central government in the form of grants in aid. The struggles over local government between the 'thirties and the 'seventies are the struggles of men feeling their way to this kind of solution, hampered all the time by the resistance of powerful interests and discouraged by the lack of popular enthusiasm.

In these struggles the year 1848, a year so memorable for other reasons on the continent of Europe, has a special significance. For in that year after a series of failures a Public Health Bill made its way to the Statute Book. It was the result of much patient effort. Parliament and the public, chiefly through the influence of Edwin Chadwick, had been educated by three reports, the result of three important inquiries in the 'forties. In 1840 Slaney, an energetic and public-spirited Member, obtained the appointment of a Select Committee on the Health of Towns. In 1842 the Poor Law Commission published a famous report on the Sanitary Conditions of the Labouring Population of Great Britain. In 1843 Peel set up the Health of Towns Commission, which issued two reports in 1844 and 1845. Several attempts had been made at legislation. In 1841 Normanby, Home Secretary in Melbourne's Government, had passed two Bills through the Lords, giving town councils large powers over streets and sewers. His Bills as first introduced prohibited back-to-back houses, a reform that was not effected till 1909. After Melbourne's Government had fallen, these Bills were shelved, and Peel, instead of legislating, set up his Health of Towns Commission. In 1845, when the Commission had reported, Lord Lincoln introduced a Bill based on its conclusions, explaining that the Government wanted to have it discussed in the recess. The Bill perished in the crisis over the Corn Laws next year. In 1847 when Russell had become Prime Minister, Morpeth introduced his first Bill, and there were long debates in Parliament and fierce debates in the Press. His second Bill in 1848, much weakened in respect of its treatment of gas and water, became law.

The preamble of the Act was as follows:

"Whereas further and more effectual provision ought to be made for improving the sanitary conditions of towns and popu-

lous places in England and Wales, and it is expedient that the supply of water to such towns and places, and the sewerage, drainage, cleansing, and paving thereof, should as far as practicable be placed under one and the same local management and control, subject to such general supervision as is hereinafter provided; be it therefore enacted that this Act may be applied in manner hereinafter provided to any part of England and Wales."

The machinery of the Bill shows how powerful was the opposition that had to be encountered and met. To all reformers it had long been clear that a central department was needed. It was needed for two reasons. In the first place its help was needed, in the second its pressure. "A town of manufacturers and speculators," said *The Times*, which fought a great battle in Delane's hands for public health, "is apt to leave the poor to shift for themselves, to stew in cellars and garrets, nor are landlords and farmers apt to care much for cottages. Something of a central authority is needed to wrestle with the selfishness of wealth." For some years the most ardent reformers, the men who formed the Health of Towns Association, men like Joseph Toynbee, Thomas Tooke, Ashley, Normanby, and, most important of all, Edwin Chadwick, had been struggling to mobilize whatever enthusiasm or concern their agitation and teaching on this subject had excited as a force to coerce or supplement local sentiment. The setting up of this Board marked the victory of their ideas. Chadwick, though an unpopular administrator, had done more than anybody else to make practicable the great ambition he had conceived. The Improvement Commissioners set up in the eighteenth century and the early nineteenth century had tried to make town life tolerable and decent for the rich. Their success was seen in the improvement of the better streets and the cleansing of the better districts. Chadwick sought to make town life tolerable and decent for the whole community.

The Board which was now set up was unfortunately planned on a bad model. In 1834 the Whig Government had carried out a drastic reform of the Poor Law.\* The motive that dominated its policy was the desire to extinguish the method of giving relief that is generally known as the Speenhamland method; allowances in aid of wages based on the number of children whom the man or woman had to feed. This method had spread all over the south of England, and Ministers were afraid that its extinction would provoke violent resist-

\* See chapter xv, post.

ance. They therefore set up in the Poor Law Commission a body with extraordinary powers, holding, as Nassau Senior put it, that the reform must be enforced by "those who had no stacks to burn." At the same time they had reorganized local administration by combining parishes into unions, with Boards of Guardians elected for the whole district. Thus they had set up new authorities central and local, and being dominated by the belief that what the time needed was a surgical operation they had made the central authority a disciplinary body rather than a guiding and helping body and they had made it independent of Parliament.

It was in the same spirit unfortunately that the first experiment was made in creating sanitary authorities.\* The old Poor Law authorities had been negligent, incompetent, and often corrupt; they had been put on one side by a board of energetic men armed with exceptional means of interference. Sanitary law was in some senses in the same case. Why not, then, adopt the same plan? Some had proposed to set up a Ministry of Health, others to make the Home Office a central department for this purpose. These plans were dropped in favour of a scheme on the Poor Law plan. A central board was set up, a body of Commissioners of equal authority with a Minister sitting at the table as an ordinary member. The Board was empowered to create a local health district and a local board, either on petition from the 10 per cent of the ratepayers or in cases where the death rate exceeded 23 per 1,000. In a municipal borough the town council was to be the board; in other places a special board was to be set up. These boards were to be responsible for water, drainage, management of the streets, burial grounds, and the regulation of offensive trades. They could levy a general rate and special district rates based on the poor law assessment. The weaknesses in the plan are evident, for it irritated local authorities without supplying the General Board with enough power to overcome their active or passive resistance to reform. The General Board could force a Local Board on a district, but it had no real control over a Board that appointed and dismissed the most important of its officials. Thus this great experiment started in a hostile atmosphere, and Chadwick, though he was one of the greatest public servants of the century, was too unaccommodating and uncompromising for official work which brought him into touch with local or popular sentiment.† This had been shown very clearly by his career as the autocrat of the Poor Law Commission, and unfortunately

\* See chapter vii, post.

† See chapter xviii, post.

for his plan he was made one of the members of the Board of Health. That plan would have had much better chance if it had been in other hands. As a result, after the Board had been in existence six years, the Government were defeated when they asked Parliament in 1854 to reconstruct the Board and continue it for another two years. The House of Commons rejected the proposal and put an end to the life of the Board. Disraeli and John Bright joined in destroying it.

The Act itself, if it came to grief in this sense, was still a notable advance. For the first time England had authorities for public health, central and local, armed with a staff and considerable powers. The Act was not universal, but it became effective in 168 places where the ratepayers had asked for it, and in 14 where the death rate was abnormal. These places included growing towns where sanitary measures were specially needed, such as Bolton, Bradford, Merthyr Tydfil, Sunderland, and Wigan. Thus the country had had a lesson in the value and importance of such reforms. Moreover, the Act had another important feature. It has been pointed out elsewhere in this chapter that the regular procedure adopted in the eighteenth century when a reform was wanted—a turnpike road or an enclosure—was for a number of persons to petition Parliament for an Act setting up a body to carry out the projected scheme. This method was used for the improvement of towns both before and after the Act of 1835. Parliament had been too mistrustful of local authorities to give them wide powers, and hence if a town wanted an improvement it had to ask for a special Act. In 1845 Hume, an ardent local government reformer and a pupil of Bentham, had hit on a plan for simplifying this expensive procedure. He persuaded Parliament to pass a series of model clauses Bills, enabling a local authority to incorporate clauses relating to gas works, water works, draining, and other public needs in their own local Acts. In 1847 such a Bill was passed relating to public parks. This clause was embodied in the Public Health Act of 1848, and thus for the first time a local authority was allowed to spend public money on providing a public park without getting leave from Parliament. Two years later William Ewart brought his long struggle for public libraries to victory, and from 1850 it was possible for towns to provide themselves with libraries without asking for a special Act.\* In 1845 he had carried an Act authorizing towns to establish public museums though the opposition was so strong that Parliament would only sanction a rate of a halfpenny, and the operation of the Act was confined

\* See chapter xi, post.

to towns with more than ten thousand inhabitants. In 1850 he proposed that this restriction should be abolished, and that all towns should be empowered to provide libraries as well as museums. The opposition oddly enough came from the Young England Party led by Disraeli, and Manners and the regular economists Cobden, Bright, and Hume all supported him. But the opposition was strong enough to compel a compromise, and the Act as it passed required the consent of two-thirds of the ratepayers.

The 'forties had thus made a very important contribution to the progress of local government. Three ideas had come into politics: the idea that there should be a central authority; the idea that sanitation, public health, and similar matters should be under the control of a single local authority; the idea that towns should provide public parks and public libraries. These principles had made their way against great difficulties. We can see how serious were the obstacles, and therefore how much the English people owe to men like Chadwick, Ashley, Hume, Slaney, and the other politicians and public men who gave themselves up to these questions, as well as to Delane and Charles Dickens, who helped them in the Press, when we find Disraeli saying in the House of Commons that the Public Health Bill of 1848 would never have been carried but for the remarkable popularity of Morpeth. The old view that so long as private enterprise was left unchecked nothing much could go wrong with social life, and that if the rights of property were ever threatened, everything would go wrong with it, was so strong in the classes that made the laws and governed the towns, that nothing but a great tide of enthusiasm could have overborne it. Hudson, the great railway king, was a good example of the type of man who was prepared to leave Newcastle, as Palmerston described it, in a state that made any civilized man shudder, rather than put any burden on capital. Enthusiasm never acquired the strength that was needed for a victorious political campaign. But its place was taken by fear. To understand that fear we must look at the state of England. The 'forties have often been called the "hungry 'forties." It would not be less true to call them the "dirty 'forties" and the "bleak 'forties." The "dirty 'forties" produced the cholera, and the "bleak 'forties" produced the Chartist. The passing of the Ten Hours Act in 1847, the passing of the Public Health Act in 1848, and the passing of the Libraries and Museums Act in 1850 were all helped if not caused by the fear that was inspired by these portents. It is arguable that these three measures made a more

important mark on the life of England than the Repeal of the Corn Laws in 1846.

When Morpeth introduced his first Public Health Bill of 1847 he included London in its scope, but he was compelled by the strength of the resistance to drop this proposal. Instead he set up a Royal Commission. The Commission recommended the consolidation of the several sewers Commissions, whose chequered history has been told by Mr. and Mrs. Webb, in their fascinating volume on Statutory Authorities, into a single body with additional statutory powers. An Act was passed on these lines in 1848, a separate Act being passed in the same session for the City of London. In 1855 a step was taken towards the creation of a system of self-government for London in the establishment of the Metropolitan Board of Works. London had a number of governing authorities; the City Corporation, some thirty vestries for large parishes, a number of district boards for groups of smaller parishes, besides boards of guardians and other bodies for special purposes. These different bodies were to join in electing forty-six members of a central body known as the Metropolitan Board of Works. Before its dissolution in 1888 this body had fallen into disrepute, and it is easy to see that its composition and arrangements were ill-designed to excite the imagination or ambition of Londoners who wanted to serve their city. Its chief achievement was the construction of the Thames Embankment.

The refusal of Parliament to continue the Board of Health in 1854 was in some degree a blow not at the general principle of public control, but at the spirit of its chief servant. Chadwick, who had earned a great unpopularity by his administration of the Poor Law before he came to the Board of Health, was not a good choice for a body which had such large powers of interference, and therefore such abundant opportunities for friction. *The Times* described the Chadwick régime: "It was a perpetual Saturday night, and Master John Bull was scrubbed and rubbed and small tooth-combed till the tears ran into his eyes, and his teeth chattered, and his fists clenched themselves with worry and pain." It is doubtful whether the Member who said that England wanted to be clean but not to be cleaned by Chadwick spoke the whole truth, but he spoke part of the truth. At any rate, when the Government threw Chadwick to the wolves (it is discreditable to them that Chadwick was put on the shelf instead of being given another task) they preserved part of his scheme. The place of the anomalous body created by the Act of 1848 was taken by a

Board of Ministers with a paid President. In 1857 the duties of the paid President were transferred to the Vice-President of the Education Committee of the Privy Council. In 1855 the Board was in the hands of one of Chadwick's critics, Sir Benjamin Hall, but Hall was himself a reformer, and further progress was made under his rule.

In 1858 Derby's Government dissolved the Board of Health, giving some of its duties and powers to the Home Secretary and others to the Privy Council. In the same Act it enlarged considerably the powers of the local authorities, extending further the arrangement by which they could adopt Model clauses.

It looks as if the energy for reform generated by the inquiries and the panics of the 'forties had now been exhausted, and further education was needed before successful action could be taken. This was supplied by the very important Sanitary Commission set up by Disraeli in 1868, in reply to an appeal from leading doctors. A few weeks later he went out of office. Gladstone's Government appointed a new Commission, with C. B. Adderley (afterwards Lord Norton) as Chairman. Adderley, who had been President of the Board of Health, had both enthusiasm and knowledge. The Report produced by his Commission in 1871 was a document of the greatest value. It gave the first comprehensive survey of the state of English local government. The picture it gave could not be better described in a sentence than it was by Goschen: "The truth is that we have a chaos as regards authorities, a chaos as regards rates, and a worse chaos than all as regards areas."

County government was still in the hands of Quarter Sessions, though as early as 1835 Hume had urged the reform of this anomaly. In 1850 Milner Gibson introduced a Bill to create a County Board composed half of Justices, half of direct representatives of the ratepayers. Peel supported this Bill. In 1861 Mill had argued for the reform of county government in his book on Representative Government.

Rural government in the eighteenth century had been in the hands of the parish, and these small units, served at first by unpaid overseers, were entrusted with the duties of looking after the poor, the sick, the idle, the unemployed, the vagrant, and the old. In 1834 the parish had been merged in the union for most of these purposes by the new Poor Law. These rural districts had in 1871 no sanitary government at all. Their only protection against dirt and disease was the law which gave Justices of the Peace summary jurisdiction over nuisances at Petty Sessions if the Board of Guardians laid an information. In urban districts the powers exercised by Town Councils, Improvement Com-

missions, and Local Boards were neither effective nor uniform. Fifteen Public Health Acts had been put on the Statute Book, but their administration had been confided to local authorities whose areas and functions often overlapped. It is not surprising that Adderley's Commission found that the administration of the sanitary laws passed by Parliament was badly administered in the towns and not administered at all in the country.

If there was chaos in the country there was confusion at the centre. When the Board of Health was dissolved in 1854 certain of its duties and powers were transferred to the Home Office, and a branch was created in that department known as the Local Government Act Department, which looked after local loans and local bye-laws. Its medical functions were assigned to the Privy Council. But there was a third authority which had much greater power and experience behind it. This was the Poor Law Board. The famous Poor Law Commission mentioned already in this chapter lasted till 1847, when it was converted into the Poor Law Board, a Government Department of the usual kind. The Boards of Guardians, who had the power under the Nuisance Removal Act of 1848 of laying an information before Petty Sessions, were under this Department.

When Gladstone formed his Government in 1868, he sent Goschen to the Poor Law Board, and Goschen produced two revolutionary Bills: one dealing with local taxation, the other with local government. He proposed to set up a complete system of local government for parish and county. His plan provided for restoring the parish as an effective unit. The ratepayers of the parish were to elect a Parochial Board with a chairman. The chairmen of parishes grouped in petty sessional divisions were to elect half the members of County Financial Boards, the other half being composed of Justices of the Peace.

This ambitious plan had no chance, and Goschen's successor, Stansfeld (for Goschen was sent to the Admiralty after a short term at the Poor Law Board), turned to the recommendations of the Adderley Commission. He introduced and passed in succession two Bills. The first created the Local Government Board. To this new Department were transferred the officials of the Poor Law Board, of the General Register Office, of the Local Government Branch of the Home Office, and of the Medical Department of the Privy Council. His second Bill, passed in 1872, set up the Boards of Guardians as sanitary authorities in rural districts, following in this the advice of the Adderley Commission. He was unable, however, to carry his whole Bill, and he found

that in order to save its machinery he had to sacrifice a great part of its power. "The Bill, as now framed," said the *Local Government Chronicle*, when the clause about hospitals, dispensaries, gas, water, buildings unfit for habitation, and the pollution of streams had been dropped, "does little more than divide the country into sanitary districts and provide for the constitution of the new sanitary authorities." Disraeli had to appeal to his party to let the Bill proceed even after these concessions had been made to the fears of property, and he explained that the Bill proceeded on the right lines and covered effectively one part of the general problem. Disraeli's Government which took office in 1874 put on to the Statute Book the proposals relating to nuisances that Stansfeld had had to abandon, and his two Acts of 1874 and 1875 strengthened and codified the laws relating to public health, consolidating and improving no fewer than forty-three statutes. In this way Disraeli struck a great blow for the cause that he had summed up in a speech at Manchester, "*sanitas sanitatum, omnia sanitas.*"

The Poor Law Commission had been a bad precedent for the first Board of Health: the Poor Law Board was a bad influence on the Local Government Board. When Stansfeld was making that Department in 1871, he was merging into one Department three separate organizations. Of these much the most powerful was the Poor Law Board, and the Local Government Board took its colour and its tone from the strong traditions and strong personalities of that Board. Disraeli confirmed this influence by choosing as Stansfeld's successor in 1874 Slater Booth, a junior Minister who had been Parliamentary Secretary to the Poor Law Board in 1867-8.

Down to this time no statesman of the first rank had had any training in local government. In the 'seventies a man came into public life for the first time from this school. Joseph Chamberlain was one of a group of enlightened men who, ashamed and horrified by the conditions that had produced a death rate of 53 per 1,000, determined to put an end to the neglect and misgovernment of Birmingham. Chamberlain was elected Mayor, and after his three years of office Birmingham found itself a pioneer, as Liverpool had been a pioneer in the 'forties. Public enterprise was seen at its best, and most courageous, in the destruction of slums, the adoption of great housing schemes, the acquisition and development of gas and water undertakings, the provision of parks and recreation grounds, and the establishment of the Birmingham School of Art. In 1876 the leader

of this vigorous and triumphant campaign entered the House of Commons; four years later he entered the Cabinet.

Under happier conditions the introduction of such a man to the governing world would have been followed by most important reforms. Yet the Government of which he was a member was so distracted by its foreign troubles and its domestic divisions, that it was the only Government since these agitations had begun that did not pass an important local government reform. It worked at two such questions. Harcourt, the Home Secretary, prepared an ambitious Bill for London. He proposed to reform the City Corporation, to make it a popular body, and to give it the government of all London. Chamberlain would have preferred to set up a central City Council with borough councils elected at the same time, but he accepted Harcourt's plan. A more serious difference arose over the police. Gladstone and Chamberlain were both anxious to give London the control of its police; Harcourt, whose head was full of the Fenian conspiracies, was determined to keep the control in the Home Office. This difference would have mattered less if there had been more enthusiasm in the House of Commons for the Bill, but according to Dilke, there were only three members who really cared about it: himself, his colleague as Member for Chelsea, J. F. B. Firth, and Gladstone. If the reform of the government of London fell through, the same fate overtook Dilke's own scheme for reforming local government by setting up district councils and county councils. The chief contribution made by the Government was the setting up of a Royal Commission on Housing in answer to a suggestion from Salisbury.

In 1871, as we have seen, Goschen had wished to give governing authorities to the county and the parish. These ambitions were still unfulfilled, though plans had been drawn up by Dilke and Lord Edmond Fitzmaurice, who had made himself master of these questions. Both ambitions were fulfilled in the next ten years. In 1888 Lord Salisbury's Government passed its famous County Councils Act, and in 1894 Gladstone's Government passed the Parish Councils Act.

The Act of 1888 set up county councils on the pattern of borough councils, and transferred to them all the administrative functions hitherto exercised by the Justices of the Peace. The control of the police was vested in a joint committee of the council and the Justices of the Peace. The councils are composed of councillors directly elected by the ratepayers for three years and aldermen elected by the coun-

cillors for six years. The author of the Act was C. T. Ritchie, who deserves to rank in this connection with Forster in connection with education. The reluctance of the old-fashioned country gentlemen to surrender the power of Quarter Sessions might have been a considerable obstacle if it had not been for the Unionist alliance. Lord Salisbury reminded his followers that they could not have the support of the Liberal Unionists without paying something for it. The Cabinet had originally discussed some method of softening the fall of the Quarter Sessions, but Salisbury himself held that the squirearchy had already been made to surrender most of its power to officials of Government departments, and that the new reform meant only a sentimental loss.

The other reform that Goschen had outlined in 1871 was carried in 1894, when Gladstone's Government set up District and Parish Councils. The debates in the House of Commons lasted forty-one days, and the Lords made a number of amendments. The controversy between the two Houses over the Bill is famous as the occasion of Gladstone's last speech in the House of Commons.

With the passing of this Act it could be said that the "whole field of internal administration, if we except the City of London, now lay under the control of popularly elected bodies."\* The Parish Councils Act marked an important advance in democracy, for it made women eligible as district and parish councillors. In 1907 an Act was passed making women eligible as borough and county councillors.

The adjustment and readjustment of the relations of local authorities with one another and with central departments is a constant problem, as we can see from the legislation that has been passed since 1894. In 1870 Parliament set up special authorities for education in the School Boards;† in 1902 Parliament abolished them and transferred their duties to the county councils. Before 1888 there was a good deal of discussion about the form that the self-government of London should take. Harcourt in preparing his Bill in 1884 had contemplated a Bill much on the lines that Ritchie adopted in 1888; in 1899 Salisbury's third Government checked the tendency to this concentration of power, setting up twenty-eight borough councils. In 1834 Parliament had set up Boards of Guardians for grouped parishes as the Poor Law authority; in 1872 these bodies had been made the sanitary authorities in rural districts; in 1894 they were put on a democratic franchise,

\* Redlich and Hirst, *Local Government in England*, Book I, p. 213.

† See chapter x, post.

and made the rural district councils in places where a Poor Law union coincided with a rural district; in 1929 they were abolished and their place was taken by the newly created Public Assistance Committees of the county councils. As one problem after another has ceased to be a local problem, and the range and scope of administration have been affected by changes of transport and population, all the problems concerned with areas and functions have taken new forms and demanded new solutions. After the war there was a widespread demand for reconstruction, for the proper conservation and use of resources that were national not less than local in their importance, and for a recognition of the truth that in respect of water, electricity, transport, and many other matters the powers and areas of local governing authorities were inadequate and out of date. These problems were investigated by Committees, and later by a Royal Commission, which issued three reports, in 1925, 1928, and 1929. The Act of 1929, which among things abolished, as we have seen, the Boards of Guardians, gave effect to some of the recommendations of this Commission, enabling local authorities to combine for special purposes. The confusion at the centre has also been remedied by the creation after the war of departments like the Ministry of Health and the Ministry of Transport, both of which were established in 1919.\* Many problems have also been simplified by a modern device of great value; the device of setting up bodies that are partly official and partly unofficial, partly bureaucratic and partly representative. In this way a new relationship has been established between public and private enterprise. Examples of this kind of body are the Port of London Authority established in 1908; the old Road Board established in 1909; the Electricity Commission established in 1919 and reorganized in 1929.†

If, then, a reformer who had grown grey in the struggles of the nineteenth century over local government were to revisit England to-day he would find that some of the problems that occupied the mind of his age occupy the mind of ours. But he would be chiefly struck by the scope and importance of the new tasks that now fall to local authorities. This is the result partly of the energetic teaching of thinkers; partly of the successful experiments of the early London County Council; partly of the democratic movement that started in 1906. In the first class the most important influence, of course, was

\* See chapter xviii, post.

† A lucid survey of this field has lately been published, *The New Philanthropy*, by Elizabeth Macadam (Allen & Unwin).

the early Fabian Society. Mr. and Mrs. Webb, Graham Wallas, Bernard Shaw did for their generation what Chadwick had done for his. With the help of thinkers outside such as H. G. Wells and J. A. Hobson, they taught the nation to take a much larger and more imaginative view of the opportunities and responsibilities of local government. They found encouragement and occasion in the early life of the London County Council when men of great ability and distinction took part for the first time in the government of London. The reforming zeal and large spirit of the Council in its first ten years, largely guided by this new teaching, gave an impetus and example to local patriotism which did even more to educate the public mind than Chamberlain's career in Birmingham had done in the 'seventies. A further stimulus was given by the democratic temper that inspired politics after the reaction from Imperialism in the early years of the century. Its spirit was seen in the reforms which began with the first Town Planning Act passed by John Burns in 1909.\* This Act, which enabled local authorities to prepare schemes for the development of particular areas, was followed by a series of Acts all increasing the powers of local authorities, passed in 1919, 1925, 1929, and 1932. In these Acts it has been recognized that the care of amenities, the designing of towns and suburbs, the preparation of schemes for harmonious development in the future are part of the duties of Government. The same sense of public needs inspired the Housing Acts of 1909, 1919, 1921, 1923, 1924, 1925, 1930,† which have applied a new and more drastic treatment to a problem neglected in the past and still baffling in the present.

Bacon said that it was the duty of Parliaments to find remedies as fast as time breedeth mischief. Nobody looking back on the hundred years since 1835 could say that this duty has been fulfilled. We see all round us the consequences of delay, neglect, false starts, and mischievous fears. But nobody would say of this record that it is the record of a people entirely wanting in initiative and resilience, qualities that are urgently needed for the immense tasks that lie ahead of our civilization.

\* See chapter ix, post.

† Ibid.

### CHAPTER III

## THE MUNICIPAL REVOLUTION

*by*

W. IVOR JENNINGS

### I

THE passing of the first Municipal Corporations Act was described in 1835 as a revolution, and may be so described a century later. It was far more radical than the Poor Law Amendment Act of 1834. For while the latter Act transferred administrative powers from nominated authorities to partially elected authorities, the former was a definite confiscation of private property rights and their dedication to public use under the control of a democratically governed authority. When the Town Council of Cambridge told the visiting Commissioners that they could do as they pleased with their own property they were enunciating good law. The greatest equity lawyer of the period propounded the same doctrine in the House of Lords, and not even Lord Brougham dared to controvert him. "Corporations were situated precisely the same as individuals," said Lord Eldon; "they held property not in trust, and over such property the Corporation exercised the same rights as individuals did over their own property. There was no difference known to the law."

The corporation was not, moreover, the general body of inhabitants. It was the freemen, of whom there might be as many as five thousand or as few as a dozen. Its powers were exercised by the common council, which in a few places was elected by the freemen, but which was in most places self-perpetuating. For the most part the prerogative of the freemen was, before 1832, to vote for the borough members, and to be paid or entertained by them accordingly. The common council looked after the property, appointed and paid its officers, elected the magistrates, and provided for its own entertainments. It might also provide for the police of the borough, regulate the markets, maintain the port and harbour, and keep the gaol more or less in repair. But if these functions were performed it was not so much because the council regarded itself as the governing body of the

borough, but because as the social leader of the borough it might feel that it owed certain moral duties.

In any case, a generalization of this kind must necessarily be false. For boroughs varied enormously. Nearly the whole of five enormous volumes of Appendices to the Royal Commission's Report was necessary to explain the detailed organization and administration of the 246 boroughs which the Royal Commission found to exist. There was no general law for the organization and functioning of boroughs. Each had its own set of charters, each set had been modified, legally or illegally, by the establishment of local customs. All that was common was the general law of corporations, a law that did not distinguish a municipal corporation from any other corporation established by royal charter, and which regarded the corporate property and the corporate income as provided for the private benefit of the corporators.

## II

Though there was, before 1832, no substantial movement for the reform of municipal corporations, there was, naturally, much dissatisfaction. The fundamental complaint, that corporations, either through the whole body of their freemen or through the common council, elected the borough members of Parliament, was removed by the great Reform Act. Yet there were in addition complaints that the administration of justice was defective and, as the Bristol Riots showed, sometimes wholly inefficient. Also, the traders and industrialists complained of the tolls for markets and ports and harbours, as imposing heavy burdens on trade and manufacture and, frequently, by exempting freemen or common councillors, subsidized the favoured few at the expense of those inhabitants who did not belong to the oligarchy. Above all, the system established a social discrimination. The common councillors were frequently churchmen of the political party which "owned" the borough. Successful tradesmen and manufacturers considered themselves as good as their neighbours. But being *nouveaux riches*, they were commonly excluded. And though dissenters were admissible after 1829, the oligarchy generally took care to exclude such persons from the freedom, and certainly from the common council.

Thus many of the Tories complained of the lawlessness of some of the boroughs, many Whigs complained because the Tories were

included and dissenters were excluded, and the Radicals complained because the oligarchies offended against the principle of representation. The Whig Government of the first reformed Parliament therefore had every reason for attempting to abolish this constitutional abuse, as they had for abolishing many of the other abuses of the eighteenth-century constitution. In 1833 they induced the House of Commons to set up a Select Committee. But that Committee soon found itself hopelessly entangled. For nobody knew, as a fact, how the numerous municipal boroughs were constituted, how they functioned, what powers they exercised, and how their powers were abused. Indeed, nobody knew even how many municipal corporations there were.

Accordingly the Government followed the precedent which they themselves had established, and which had already demonstrated their sagacity. They proposed that the municipal corporations, like the administration of the Poor Law, should be investigated by a Royal Commission. But the new Royal Commission, unlike the Royal Commission on the Poor Laws, was not constituted of persons of eminence. The Government knew the major defects, as they understood them. They knew, too, the remedies which they desired to introduce. Lord Brougham, the Lord Chancellor, had previously introduced a Bill; and there were Scottish and Irish precedents to follow. The primary purpose of the Royal Commission was to investigate facts. Accordingly it was composed, in the main, of able young barristers. Naturally they reversed Dr. Johnson's aphorism by taking care "not to let the Tory dogs have the best of it." The Commissioners were young and able, but they were mainly of Whig sympathies.

### III

The Webbs have suggested that if you catch a lawyer young enough you may make a man of him. The young barristers investigated what *The Times* had called "the chartered hogsties" thoroughly and well. They divided into pairs and toured the country investigating the actual facts. Their results are collected in the five great Appendices to their Report. They occupy 3,446 pages. Within the short space of eighteen months, on March 30, 1835, they presented their Report.

They declared roundly that it was their duty to represent to the Crown that "the existing municipal corporations of England and Wales neither possess nor deserve the confidence and respect of Your

Majesty's subjects, and that a thorough reform must be effected before they can become, what we humbly submit to Your Majesty they ought to be, useful and efficient instruments of local government." They pointed out that "it has become customary not to rely on the municipal corporations for exercising the powers incident to good municipal government. The powers granted by local Acts of Parliament for various purposes have been from time to time conferred not upon the municipal officers, but upon trustees or commissioners, distinct from them; so that often the Corporations have hardly any duties to perform. They have the nominal government of the town; but the efficient duties, and the responsibility, have been transferred to other hands."

Nor did they limit themselves to general abuse. They descended to particulars. Some quotations from the Report will indicate the nature of their charges.

"The most common and most striking defect in the constitution of the municipal corporations of England and Wales is, that the corporate bodies exist independently of the communities among which they are found. The corporations look upon themselves, and are considered by the inhabitants, as separate and exclusive bodies; they have powers and privileges within the towns and cities from which they are named, but in most places all identity of interest between the corporation and the inhabitants has disappeared. This is the case even where the corporation includes a large body of inhabitant freemen; it appears in a more striking degree, as the powers of the corporation have been restricted to smaller numbers of the resident population, and still more glaringly when the local privileges have been conferred on non-resident freemen, to the exclusion of the inhabitants to whom they rightfully belong."

"The evils which have resulted from mismanagement of the corporate property are manifold and of the most glaring kind. Some corporations have been in the habit of letting their land by private contract to members of their own body, upon a rent and at fines wholly disproportionate to their value, and frequently for long terms of years. Others have alienated in fee much of their property for inadequate considerations. In large towns such malversations are less frequent, the most striking defects in those places not being the clandestine appropriation of the cor-

porate property, but carelessness and extravagance in the administration of the municipal funds, and an exclusive distribution of patronage among friends and partisans. . . . In general the corporate funds are but partially applied to municipal purposes . . . but they are frequently expended in feasting, and in paying the salaries of unimportant officers. . . . Few corporations admit a positive obligation to expend the surplus of their income for objects of public advantage. Such expenditure is regarded as a spontaneous act of generosity. . . . Even in these cases, party and sectarian purposes often prevail in its application. . . . At Cambridge, the practice of turning the Corporation property to the profit of individuals was avowed and defended by a member of the council. . . .”

“. . . The salaries of the corporate officers in a great many instances are not at all commensurate with their duties. The allowance to the chief official is often very large, and it is well understood that he is to expend it in private entertainments. The practice of having periodical dinners and entertainments for the members of the common council and their friends, the cost of which is defrayed out of the corporate funds, prevails almost universally. . . .”

“At Berwick-upon-Tweed, where the freemen manage the affairs of the Corporation, and possess commons of the value of about £6,000 per annum, they have borrowed money expressly for the purpose of dividing it amongst themselves. . . .”

#### IV

This damning document was ample enough to supply the Whig Party with reasons for supporting any legislation that the Government might produce. As a historical statement, however, it would be of greater value if it had stated the truth. We now know that it was hurriedly drafted by the Chairman and Secretary before all the Commissioners' reports were available, and before the information provided had been properly digested.\* It was signed by all but two of the Commissioners. But it was, in the Webbs' words,† “a tirade of mingled denunciation and insinuation directed against the whole body of municipal corporations, superficially fortified by a citation of bad instances, but unaccompanied by any statistical survey as to

\* S. and B. Webb, *The Manor and the Borough*, ii, p. 721.

† Ibid., p. 718.

the prevalence or distribution of the evils complained of." Consequently the Report must be dismissed by the historical student as "a bad case of a violent political pamphlet being, to serve Party ends, issued as a judicial report."<sup>\*</sup>

Such a criticism does not imply that there were not gross abuses among the municipal corporations. The reform was amply justified. The Appendices to the Report indicate that in the main the borough system was at least grossly inefficient, and frequently it was corrupt. The only point is that historically the Report itself does not carry conviction. Yet politically it was, perhaps, justified. It is doubtful if a restrained survey, with a statistical analysis, which the Webbs would regard as an effective Report, would have carried the same conviction to those Whigs who believed that reform was necessary, but who hesitated to confiscate property. Politically the Report provided just that justification which the Government needed. For the enthusiasm of the first fine flush of reform had passed. The resignation of Earl Grey and the Canningites, the elevation of Althorp to the House of Lords, the "dismissal" by William IV of Melbourne's first Government, and the additional support that the Tories obtained at the ensuing general election, had combined to weaken the Government. The dissatisfaction of the Radicals, aided by the flanking fire of Lord Brougham, enraged as he was by what he thought to be Melbourne's unnecessary subservience to royal prejudices (though, in fact, it was Melbourne himself who decided not again to confide the Great Seal to Brougham), made a new effort at reform essential to the life of the Government. Accordingly, a Municipal Corporations Bill was produced within one month of the Report, and it passed rapidly through the House of Commons.

Disraeli in one of his novels explained that after 1834 the Tory Party turned into the Conservative Party, and one of the characters goes on to explain that that meant Tory men and Whig measures. How far the Tory Party in the House of Commons, under Sir Robert Peel, had departed from Old Toryism is shown by its failure to oppose the Bill. There was no division on Second or on Third Reading, and only a few minor amendments were made in Committee. Yet the Bill was one of the most Radical measures yet produced. It proposed to sweep away all the property rights of freemen and common councillors, whose basis in private property Lord Eldon correctly explained. It transferred such rights to councils which were to be wholly elected,

\* S. and B. Webb, *The Manor and the Borough*, ii, p. 721.

and which were to use the property only for the public benefit. It proposed to give new governmental powers to these democratically elected councils—and “democratic,” be it remembered, was as much a term of abuse as “socialist” was thirty years ago. Above all, the municipal franchise was not to be the severely restricted property and occupation franchise of the Reform Act, but complete household suffrage.

It is no wonder that the vested interests gathered in force to “lobby” the peers. It is no wonder that the Tory lords could not stomach Peel’s Whiggism. Even the Duke of Wellington for once refused to obey orders, and in spite of Peel’s obvious disapproval numerous and important amendments were made in the House of Lords. For a time it appeared as if the Radicals would induce the Whigs to continue the battle with the Lords that they had opened on the Reform Bill. But the Government was at once too weak and too strong. It was too weak to fight the Lords but too strong to be defeated by the Radicals. Lord John Russell, the leader of the House of Commons, called his followers together, and in the result certain of the Lords’ amendments were accepted.

The Lords had wanted to preserve the rights of freemen, to raise the qualification for burgesses, to prevent dissenters from voting for ecclesiastical appointments, and to continue the existing aldermen and town clerks for life. All these proposals were, with Peel’s consent and active support, resisted by the Commons. But the Commons deleted the proposed licensing powers of borough councils, allowed some measure of protection for freemen, directed the selling of all advowsons, and created a new class of aldermen. The Duke of Wellington repented of his mutiny, and the Lords accepted the Bill with some additional amendments. The Government now deleted the power of the councils to nominate persons for appointment as Justices, and the Lords then accepted the amended Bill. On September 9, 1835, it received the royal assent and became the Municipal Corporations Act, 1835.

The Act applied to 179 boroughs. Though much amended in detail, its essential principles remain to this day. They were, indeed, applied to county councils by the Local Government Act, 1888. And though a more simplified system was applied to district councils in 1875 and 1894, most of the essential ideas of the Act of 1835 were extended

to these smaller authorities. It is substantially true to say, therefore, that the principles of 1835 dominate the whole field of English local government. For that reason it was possible by the Local Government Act, 1933, to generalize the rules of organization and function applicable to all local authorities.

The first characteristic of the new system was the generalization of the rules of organization. Local constitutional peculiarities were swept away, and a skeleton constitution provided which was common to each borough. Though the class of freemen was maintained, membership involved very little except an honorific title. The council represented not the freemen but the burgesses, who were the rate-payers of the borough. This council was composed as to three-quarters of persons elected by the burgesses, and as to one-quarter of aldermen who were elected by the council. The office of mayor also was filled by election by the council.

Thus borough government became democratic. It was in theory more democratic than Parliament, since there was no property qualification. In practice it was found that the municipal electors were rather fewer than the Parliamentary electors in the towns. The mayor and the aldermen, though not elected by the burgesses, were elected by persons who had themselves been elected on a ratepaying franchise. This franchise, too, was more democratic than that adopted in the Poor Law Amendment Act, 1834, since each householder had one vote only in respect of his occupation, and not a number of votes depending on the rates which he paid. Also, the Justices of the Peace were still among the guardians of the poor, and so owed no allegiance to a democratic constituency.

The second characteristic was that the council became a governmental institution. As yet its functions were few. Through the Watch Committee it appointed and made regulations for the police. Where it possessed statutory powers for lighting part of the borough, it received power to light the whole. And where it had no such statutory powers it might adopt the Lighting and Watching Act of 1833. It was given power to make bye-laws for the good rule and government of the borough and for the suppression of nuisances. It received authority to ask the Home Secretary to appoint stipendiary magistrates and to petition the Privy Council for a separate court of quarter sessions.

The third characteristic followed from the second. Since the council was a governmental institution, it was no longer permitted to use its property for the benefit of its own members or for the particular

advantage of individuals. All corporate property and all fines received were to be paid into the borough fund, and that fund was to be used primarily for the payment of officers' salaries, election expenses, the prosecution of offenders, and the maintenance of gaols, and all other expenses necessarily incurred in carrying the Act into effect. Any surplus was to be used not for private gain or the entertainment of the council, but for the "public benefit of the inhabitants and the improvement of the borough." If, on the other hand, the borough fund was insufficient for the performance of the statutory duties and powers, a rate might be levied.

The fourth characteristic followed from the third. Since expenditure for private profit or for entertainment became unlawful, a public audit of accounts was essential. It was a significant application of the democratic principle that such auditors were to be elected by the burgesses. In addition, the borough treasurer was ordered to make an abstract of his accounts, and a copy of it was to be open for public inspection by the ratepayers.

The fifth characteristic was negative. The basis of the Benthamite scheme of government, upon which all the Whig reforms were based, was the creation of areas of government which should be suitable for the functions which the governmental authority would perform. The Municipal Corporations Act, however, adopted no such principle. The areas governed by the new town councils had no relation to the most convenient areas for the services which they performed. The boundaries were either those of the old municipal boroughs or those of the old Parliamentary boroughs. It is true that all exempted areas—"pockets" as they are sometimes called—within those boundaries were swept away. But except where the boundaries had been altered for Parliamentary purposes, the areas governed by the councils were those which from time immemorial had been those of the boroughs.

Lastly, the great precedent of 1834, whereby the administration of the Poor Laws had been placed under central control, was not followed. The Act of 1835 provided for very little in the way of central control. The division of boroughs into wards and the number of councillors for each ward had to be approved by the Privy Council; officers who thought that their compensation for loss of office was not adequate might appeal to the Treasury; the Watch Committee was ordered to present a quarterly report to the Home Office; bye-laws might be disallowed by the Privy Council; the consent of the Treasury was necessary for the alienation of corporate land or its lease for a

period larger than thirty-one years; and stipendiary magistrates were to be appointed by the Crown. But the limited nature of these powers indicate the general truth of the proposition that the new system of town government was to be carried on as a local democracy without substantial interference from the Government.

## VI

These characteristics indicate the limitations and defects of the municipal revolution. It was partial only. It applied to 179 towns only. It did not apply to many of the old boroughs. It did not extend to any of the other kinds of property which might equally well have been deflected to public purposes. Manors and other forms of feudal property were still in theory governmental institutions and in practice forms of private property. The City Companies and the Merchant Venturers of Bristol were omitted, though they were bodies of precisely the same nature as the municipal corporations. Indeed, the City of London was not dealt with at all, and has to this day successfully resisted all attempts at reform.

Outside the 179 boroughs were the vast tracts of rural England where industry might still spring up overnight, and towns grow with startling rapidity. They were left for half a century to the tender incompetence of the "gentlemen of England," unless some bright local reformer took steps to get Commissioners appointed for some special purpose. There was no means provided by the Act of 1835 for the creation of new boroughs. The boundaries of the 179 boroughs had no relevance to the services which the councils performed, and could not be altered save by the long, tedious, and expensive process involved in obtaining a local Act. Indeed, there was no power expressed in the Act for the application of the borough funds for the purpose of obtaining a local Act.

Moreover, the powers of the town councils were few, and could not be extended save by local Act. On the other hand, there was no effective method for compelling a council to exercise such powers as it possessed. And even where a function was imposed as a duty and not merely given as a power, the only remedy for failure was a criminal prosecution or civil proceedings in a court of law. Thus, progressive councils were prevented from progressing, and reluctant councils could not easily be compelled to do anything. The need for establishing a national minimum, especially in matters of public

health, was not realized. The Royal Commission on the Poor Laws had shown conclusively that local government could not be left entirely to local initiative. One of Bentham's main points was that local administration must in all its main principles be controlled by a central authority. The Act of 1835 followed the eighteenth-century notion—itself a historical accident derived from Parliamentary suspicion of royal domination in the seventeenth century—that judicial authorities provided adequate control for administrative bodies.

The solution of the problems thus created was left for the following century. The task was undertaken at such moments as Parliament and the statesmen who led it could spare from such absorbing topics as the repeal of the Corn Laws, the government of Ireland, the extension of the Parliamentary franchise, the founding of a new British Empire, and the conduct of foreign affairs. Since there was no central control, there was no Minister whose function it was to concern himself with the defects of local government, no civil servants to watch for inefficiency, and no Parliamentary representative to draw attention to that part of national life which most closely affected the "condition of the people." Progress was slow and halting, and would have come even more reluctantly but for the enthusiasm of such practical reformers as Sir Edwin Chadwick.

Nevertheless, the municipal revolution of 1835 was a great step in the history of England. For the first time since the reign of Henry VIII someone had given thought to local efficiency. It provided the basis upon which the progressive improvement of the health and comfort of the people could be built up. Though the reform of the Poor Laws had in some respects more immediate social consequences, the later development of civic life was due primarily to the enthusiasm of the great towns. Eighteenth-century paternalism had turned into chaos and corruption. The future lay with the municipal corporations newly modelled by the Act of 1835.

## CHAPTER IV

## THE TOWN COUNCIL

*by*

THE LORD SNELL

**T**O a constantly increasing extent England is a nation of town-dwellers, and the way in which the towns are governed is, in consequence, a question of growing interest and importance. The effect of municipal control upon the outlook and the well-being of a community may not be definitely ascertainable, but it is admittedly great and continuous; and in no country is this influence more obvious than in England, where, during the last century, a healthy civic sense has been developed, and where the majority of the citizens have become aware that the personal well-being of the individual ratepayer and his family is closely connected with that of the community, and that the good of each is associated with the good of all.

There is now a general recognition that the town or city is not a remote abstraction with which the citizens have no personal concern, but an important factor in their associated lives, and that upon the wise direction of its common affairs the happiness and prosperity of the inhabitants in great part depend.

It is, however, unhappily true that the average town-dweller still imperfectly realizes that to him and his fellow citizens, rich and poor, belong the public assets of the town; that they, and not the Mayor and the Council, are the proprietors of the town hall, the employers of the dustmen, the policemen, and the other local functionaries.

The tendency to overlook these considerations is perhaps due to the fact that, no matter how acute may be the need of the individual, he cannot dispose of his share in the public estate in order to satisfy it; whereas the Corporation possesses powers of control over public property which the man-in-the-street associates only with private ownership.

It cannot truthfully be said that the councillors of a local authority always do their best to enlighten the public upon this important point. "Dressed in a little brief authority," they are sometimes inclined to overlook the fact that they are merely the temporary agents or managers of the public estate. Moreover, the complexity of modern local govern-

ment makes it almost impossible for the private individual, engrossed in the affairs of his business and his family, fully to understand the processes of local administration; and he may, therefore, be forgiven if, as he reluctantly pays his rates, the pride of ownership of the common assets is absent from his thoughts.

The question of the conscious relationship of the individual to the organized community is one of real importance. The primitive citizen community was small, both in area and in population, and the details of its associated life were easily comprehended. Every intelligent citizen was aware of them, and his control over them was both direct and obvious. The free citizens of ancient Athens took a direct and comprehending part in the government of their beloved city, because it was small and because its needs were known to them; but the problems of modern cities are too complicated to be decided by the ancient method of open voice and vote.

In modern local government, the authority of the people is, of necessity, invested in elected representatives, with the result that the control of the ratepayers over the affairs of the community is now less obvious. Very real control does, however, exist, and the opportunity for exercising it is at the periodical elections.

The efficient administration of the affairs of a large municipality in England at the present time necessarily involves expert guidance; and the elected representatives of the people call for, and in great part act according to, the advice of a highly trained staff.

The exact position of the head official of an important municipal department is difficult to define. A competent and keen officer must, of necessity and for his own professional credit, endeavour to obtain the assent of his committee to the advice that he gives, especially when its members contemplate activities beyond their immediate experience. He is under the strongest obligation to make them fully aware of the probable results of their proposals. When, however, he has given his advice, the responsibility for decision passes to the members of the committee. His concern is with the technical aspects of contemplated municipal policy, and the execution of the policy adopted. Politics are not for him, and he has no concern with "parties." The good official serves his local authority with a disinterested loyalty; and his code of honour is not inferior to that of the Civil Service, which is that a minister must never be let down, whatever his political opinions or policy may be.

The relationship of the councillors to the expert staff—the town

clerk, solicitor, treasurer, surveyor, medical officer, etc.—is really that of a dependent independence; but their respective spheres cannot be dealt with in detail in this chapter. The boundary line separating them varies and is usually determined by the sense of mutual obligation and responsibility and the common desire for an efficient service. This common aim involves “give and take” on both sides. The expert knows that he is indispensable; and the aim of the councillors should be to have their official advisers always on tap, but never on top. The head of a department is thus not merely an executive officer working according to orders; he is also a creative and responsible agent, upon whose advice and judgment great issues largely depend.

#### THE PRINCIPLES OF MUNICIPAL ENTERPRISE

Most of the differences which arise between a progressively disposed local authority and the reluctant ratepayer come from his failure to understand, and properly to estimate, the essential nature of the services for which he is called upon to pay. “What is the town council?” he asks indignantly. “By what right do the councillors interfere with my affairs instead of attending to their own?” In this state of mind he is somewhat irrational. He thinks only of what he is called upon to pay, and overlooks the blessings received. For the payment of a comparatively small sum of money, the municipality supplies him with certain essential commodities and conveniences such as gas, electricity, pure water, and a sanitary service. It educates his children, regulates the traffic on the streets, puts out fires, and ensures the protection of property. If an infectious disease attacks his neighbours, himself or his family, the victims are promptly isolated and given all the advantages of highly specialized medical attention and trained nursing. What it would cost him to provide these and many other services for himself he does not stop to inquire. In reality, the amount that he pays in rates brings a greater return in health, security, and general well-being than he obtains from most of his other expenditure. It is not what he pays to the municipality that impoverishes him; and, if he secured as satisfactory results from his expenditure on rent, clothing, food, and other general needs, he would probably continue to complain, but would receive much greater value for his money.

A modern municipality has two main, but not clearly defined, functions, *viz.*, the provision of certain more or less essential services and the appointment and control of the necessary advisory and other staff.

The social end sought by the municipality through its elected

councillors is the material and cultural well-being of all its members; but there is a constant temptation to subordinate the cultural needs of the inhabitants to those that are considered to be more immediately urgent and practical.

Perhaps the most constant note in the criticism of the irritated ratepayer is that he is forced to pay for "new-fangled" ideas and services for which he did not ask, and which he rarely appreciates. This type of critic is not usually dominant in any community, but his lamentations fill the air and his voting strength is frequently sufficient to ensure the postponement of improvements until long after the need for them has been established.

Local expenditure has, of course, often been mistakenly incurred, but, in Sir Arthur Newsholme's words, "this is a reason for wiser guidance in the future, not for the extravagant parsimony which refuses to spend what is needed to secure the highest obtainable standard of communal health and welfare . . . more than a quarter of a million fewer persons die annually than would die if the experience of the decennium 1871-80 continued."

The severely "practical" ratepayers and administrators have imposed their personal limitations upon local government to the extent that the cultural side of our municipal life hardly bears comparison with that of most continental nations.

No English city has so far established a municipal theatre, nor so far as I know is one even projected. The General Purposes Committee of the London County Council in June 1928 reported that they had "sought information from the larger municipalities abroad as to the action taken by them. . . . It appears that virtually every country in Europe, other than Great Britain, has a national theatre, that many have municipal theatres, and that in every case the stage receives, in a greater or less degree, assistance from the national and/or local exchequers. . . . The continental conception of local government—following the example of ancient Greece in its State support of the drama—leads public authorities to foster in the people a taste for drama as an element of general culture and a social force." After discussion, the Council resolved "That no action be taken by the Council to provide, or to maintain, a theatre for the presentation of Shakespeare's plays and the higher drama." The Council, however, agreed to promote legislation in the session of Parliament, 1929, to enable it to make a contribution of £1,000 towards the cost of rebuilding the old Sadler's Wells Theatre.

The English municipality aims to promote public well-being through the provision of certain limited and approved services; but the range of duties which it is called upon to perform is constantly widening, with the result that a static, or even slowly moving, local authority, which allows its outlook and practice to become more or less stereotyped, is always out of date, and may even become a positive danger. The wisely led municipality will look ahead, anticipate future needs, and, in order to meet them, will risk the disapproval of that section of the community which insists that:

For forms of government let fools contest;  
Whate'er is least administered is best.

What, with foresight, social vision, and wise planning, a community might become, is illustrated by the moving beauty of cities such as Nuremberg and Rothenburg in Bavaria and Oxford in England: what comes from the absence of these qualities is revealed by the cinder-heap civilization and the soulless brick-box workmen's dwellings in certain areas of the North and Midlands of England, while the bungalowoid anarchy and desecration of many parts of the Southern counties is one of the problems which we are thoughtlessly preparing for another generation to solve.

The critical ratepayer has his responsible place in the communal life. He is entitled to demand that the municipal services for which he pays should add to the reasonable amenities of the corporate life, and that he should receive in healthy conditions and security full value for his money. He may also rightly inquire whether the Council can, with advantage to the ratepayers and the general good, extend the range of its activities, and what, in the terms of expenditure and benefits, any new undertaking would involve.

But the individual and the unenlightened mass are not always the best judges of their own immediate needs, and occasions arise when the community, through its elected representatives, has to impose its more instructed will. This is not of necessity a limitation, but rather an extension of a man's freedom, for freedom does not mean that he may, if it pleases him, empty his dustbin on his neighbour's garden. A man's highest freedom is corporate freedom, freedom from the menace of infection, from impure water, from poisonous food, and from the lawless activities of the midnight prowler. In his own interests, the organized community imposes upon the individual

certain limitations and obligations; but he enjoys, in consequence, the extended freedom of a far more abundant life.

#### LIMITATIONS OF MUNICIPAL ENTERPRISE

The precise boundary line where municipal activity should cease cannot here be adequately discussed; but the old attitude of complete *laissez-faire* has been completely abandoned. When the Municipal Corporations Act of 1835 was passed, that sightless philosophy was in the full strength of its ignoble youth. "Without some special reason, the general rule is that nothing ought to be done or attempted by Government. The motto or watchword of Government on these occasions ought to be—Be quiet."\* "The Government should interfere as little as possible, except in every instance to remove prohibitions and protections."† Even a generation ago, thinkers such as Spencer and Lubbock attempted to justify this grim philosophy, and, in a modified form, it has a few capable representatives in our own day.

The question of whether a municipality should embark upon a particular enterprise is to-day decided, not on the grounds of philosophical theory, but on those of expediency and public utility, and municipal practice varies from town to town. Thus, in Birmingham there is a prosperous municipal bank, and other local authorities have their special undertakings. The general rule would appear to be that, wherever a service affecting the health and general welfare of a particular area is needed, it should be provided and controlled by the public authority, provided always that the proposed undertaking can be economically and efficiently administered.

The rate-collector is nearly always an inconvenient nuisance; but he represents blessings as well as burdens. Therefore, to regard him as a public enemy while applauding the ground landlord, for example, as a friend and benefactor, represents an entirely misplaced allocation of both sense and sentiment.

#### WHAT A MUNICIPALITY DOES

The structure and the main functions of local governing bodies are sufficiently dealt with in other sections of this volume, and it is unnecessary in this chapter to do more than indicate the influence for good or evil that their activities have upon the lives and character of the people affected by them. "The effect of institutions on those who

\* Bentham, *Manual of Political Economy*, quoted Fabian Tract 168.

† Hume, *Ten Hours Bill*, Hansard, February 10, 1847.

live under them is immeasurable. Religious and secular teachers have their part to play, and it is an important part. But the claim of the churches and schools to be answerable in the first degree for forming the character of a people, a claim not supported by politicians and public officials, is a dangerous fallacy. The most potent factor in raising or lowering the character of a people, in increasing or diminishing their sense of duty to each other, is the structure of the society in which they live.”\* Aristotle regarded the State or “City” as a great institution for the promotion of virtue, and we may be sure that the city—the corporate personality of a community, its special quality and character—as well as the Church is a source and guardian of the higher loyalties. “The true distinction between Church and State (city) is not a distinction of spheres or ends, but a distinction of functions and methods.”†

The municipality has, therefore, vast and vital issues in its keeping, and city builders and administrators who, with persistent courage, creative purpose and enduring toil, have reconstructed and purified an ugly and vermin-infested city, who have fashioned in the place of slum areas wide and healthy streets, wholesome dwellings and noble civic buildings, and who have helped to create an enlightened and city-proud people, have the “grandest of all sepulchres” and the most glorious of resurrections, for they live again in an ennobled human structure and in the minds of living men who, in their turn, will further enlarge the beauty of the common life.

#### INSIDE A TOWN COUNCIL

Although the general meetings of most municipal authorities may be attended by members of the public, the way in which they do their work is understood by only the merest fraction of the population. The average ratepayer knows little more of his own town hall than he sees on his periodical visits to pay rates, and his knowledge of the work of the Council is generally derived from drastically summarized reports which appear in the local newspaper or from the speeches of a sitting councillor made to the ward meeting of his party organization. What is the procedure of a representative municipal authority? How is its business conducted? What is the machinery by which it does its work? What are the respective functions of the Mayor, the Sheriff, the Aldermen, Councillors, and officials, and what relationship do they bear to each other and to the public outside? How do they ensure

\* Lionel Curtis, *Civitas Dei*, p. 165.

† H. Rashdall, *Good Citizenship*, p. 31.

that the difficult matters that come before them receive adequate attention, and to what extent, if any, does political prejudice influence their judgments upon civic affairs? Questions such as these are constantly in the minds of the more intelligent among the ratepayers, and they merit greater consideration than has hitherto been paid to them.

The town hall is the main office and the place of meeting of the town council and its committees; and there are generally located the principal officers.

At the apex of the whole organization is the Mayor, who occupies a position of great local dignity and civic usefulness. He is the acknowledged chief citizen and the social and ceremonial representative of the Council and the town. He is also, as a rule, the chief magistrate, presiding over the meetings of the local Justices of the Peace. He is a member of all committees of the Town Council, and is responsible for the proper conduct of the Council's meetings. In addition to these onerous duties, with the assistance of the Mayoress he leads the town in its main social and philanthropic activities. The civic life of the town is, therefore, centred in him, and to become the Mayor of his city or town is the entirely honourable ambition of a public-spirited citizen. The influence of the Mayor over the life of a community may be both considerable and beneficent. If, in addition to the attractions of a courteous manner and a personal dignity, he possesses an active temperament and a capacity for leadership, he may greatly encourage the spirit of good citizenship and leave behind him an enduring mark on the civic life of the town.

The Mayor's office at the town hall is generally known as the "Mayor's Parlour," and it is there, assisted by his personal secretary, that much of his civic work is done. In the genial atmosphere of this parlour-workshop plans are born, projects advanced, difficulties faced, and differences composed.

Important and useful though the social and philanthropic duties of the Mayor may be, his main function is to preside over the full meetings of his Council and in other ways to conduct its official business. He must ensure the expeditious and decorous transaction of business at the meetings of the Council, over which he should aim to preside with a strict impartiality and a friendly dignity. In this difficult task he is unreservedly supported by the members of the Council irrespective of party and without regard to his own political or administrative record. It is one of the finest traditions of English

local government to regard the Mayor as the accepted presiding officer of the whole Council and not as the representative of a party.

One is tempted to try to compare the position and functions of the local councillor with those of the Member of Parliament, but the differences between them are too marked. The councillor usually enjoys an independence of thought and action such as the political representative is rarely granted. If he takes his own line on a local issue he is less likely to be steam-rollered by the party political machine, because the voters usually know his critics far too well to accept their judgment concerning him as infallible. Moreover, he is concerned almost exclusively with local affairs which the electors more or less understand, whereas the thoughts and actions of the politician often concern the ends of the earth. And he is elected for a definite period, whereas the Member of Parliament depends precariously upon a majority vote in the House of Commons.

The local council chamber may lack the prestige and glamour of the imperial assembly, but it is nearer to the understanding and to the immediate needs of the people, and the councillor who by persistent and hard fighting has got a slum abolished or a school built has satisfactions such as a politician rarely enjoys. A speech in Parliament may never be noticed, or may be forgotten in an hour; but a new playground in a crowded area is enduring, always visible, and beneficent.

The advantage is, however, not entirely on the side of the local councillor, for the constituency that he represents is small both in area and population, and a mere handful of votes, one way or the other, determines his fate as an administrator. He must, therefore, give constant and close attention to the affairs of his ward, and he cannot ignore the wishes or prejudices of the big ratepayers—the slum landlords or brewers—or even of the publicans and petty tradesmen. The influence of these interests in a particular urban area may be almost decisive, and it is usually implacably hostile to any public expenditure that would add even a fraction to the rates; while, on the principle that “dog don’t eat dog,” the non-spending middle-class elector will never oppose the candidate who stands in the interests of the inefficiency which he miscalls “economy.” Although English municipal life has escaped the tyranny and corruption of “ward bosses” from which some American towns suffer, it is unfortunately not entirely free from the vote manipulator who uses purely municipal contests for political party purposes.

The member of a town council may be—he frequently is—a man with keen political sympathies, but these are not the dominating factor in his municipal work, and he seldom claims for them the hospitality of the floor of the council chamber, where the issues to be determined are local and practical. A meeting of the municipal council of a representative borough or city often provides an illustration of English public life at its best, and the nation has just ground for pride in the quality and character of its local administrators. It is not difficult to find cases where peers of the realm, parsons, professional men, ladies of means and leisure, retired local, civil, and imperial servants, sit side by side, in a happy fellowship of service, with representative workmen fresh from the factory or the railway track, all desirous of making their individual contribution to the stock of experience and practical insight upon which the welfare of their town depends.

Many of them are inspired and sustained by a glowing social idealism, and they work for a city transformed and made beautiful, which lives already in their thoughts. The precise value of work of this kind is not measurable, but such service is undeniably precious and, unless forthcoming in a sufficient degree, it is doubtful whether the democratic quality and texture of British life would continue to exist. This pooling of gifts and experience is essential to enable our civilization to endure.

Of course, not all municipal representatives are moved by the ideal of the city beautiful. On any city council will be found men and women who are merely the unimaginative echoes of the non-spending rate-payer, and who go through life flattering themselves on being “practical.” They are rarely constructive in thought, generally barren in helpful suggestion, but constant in their opposition to whatever would cost money. A council with more than a handful of members of this kind will of necessity be condemned to a policy of cheapness and delay, and, when at length action has to be taken, the proposals are on the minimum scale, hardly ever up to date, and therefore generally inadequate even before carried into effect. Too much of the “practical man” is a luxury which few cities can afford.

If political feelings are generally absent from municipal council chambers, it cannot truthfully be said that there is no class consciousness. As Sir Ernest Simon has pointed out in his interesting book, *A City Council from Within*, local governing bodies have in the past been run mainly by that section of the community whose chief social needs have been reasonably—sometimes generously—provided for,

and whose attitude towards the extension of similar amenities to the poorer parts of the towns is often one of undue and irritating caution. The poorer quarters of the town, however, need many services and amenities which they do not now possess, and the reluctance of the middle-class councillor to provide them frequently arouses a certain amount of class feeling and resentment.

The real test of a man's fitness to serve as a member of a municipal authority is not his debating skill in the council chamber, but his practical sagacity in the committee rooms, where the main work of a local authority is performed and where difficult questions are threshed out across the tables. Committee decisions are recorded in the form of resolutions which, in matters on which the committees have full power to act, become immediately operative. Where the committees have not full powers, recommendations, accompanied by suitable explanations, are submitted for approval to a full meeting of the Council, when they may be either accepted, amended, rejected, or referred back to the committees for further consideration and report. The work of the committees is usually done with competence and a self-denying sincerity. It sometimes happens that a small but capable and experienced group of members of a committee seek to run its business in their own way; but my own experience was that the chairmen of committees always invited the opinion of minority members before putting a disputed proposal to the vote.

The position of chairman of one of the major committees, such as those dealing with finance or education, is one of great labour and responsibility, and the strenuous service required sometimes leads to impaired health. The chairmanship of the Finance Committee, for instance, involves great industry, vigilance, and a high sense of duty. The committee watches over the Council's finances, prepares and presents the annual budget, and expresses its opinions upon all proposed new expenditure. This work involves for the chairman interviews with the chairmen of the committees making recommendations for additional expenditure, and also with the Council's technical advisers, in order that he may satisfy himself that the proposals are necessary and wise.

Much of the more important and technical work may be referred to sub- or even to sub-sub-committees, because in that way the services of those who have special experience can best be utilized. The recommendations of the members of these very small sub-committees are generally accepted by their colleagues, and one of the most pleasant

aspects of service on these bodies is the trust that the members of one committee have in the capacity and judgment of their colleagues on others. It is this generous belief in the wisdom of fellow members, without reference to class or party, which rewards the conscientious worker and evokes from him the best that he has to give.

There are no Admirable Crichtons in local government service, for it covers a range of complicated questions vaster than a single mind can master; but the member of a municipal body whose experience is limited may have knowledge of, and an aptitude for, a particular piece of work which none of his colleagues possesses in an equal degree. It must not, indeed, be assumed that every member of a large committee is fully conversant with the whole of its work. The Education Committee, for instance, may have nearly a score of sub-committees, each of which is charged with complicated and responsible duties. Work of this kind is sometimes assisted by co-opted members who are selected for their special knowledge, and the help that volunteers of this kind give to the public service is often beyond praise. This device for recruiting special experience for public needs might with advantage be carried still further, and include members of the Council's own staff. Representative teachers might serve helpfully on some of the education sub-committees, and doctors and nurses on those dealing with public health.

The committee system is, however, not entirely free from disadvantage. One difficulty is that the work of a committee frequently engages the interest of its members to an extent which leads them to press its interests against those of other departments of the Council's work. Thus, a member of a public health or housing committee may convince himself that the demands of other committees are petty in comparison with those of his own, and he is sometimes both shocked and surprised when, in the council chamber, their claims to urgency and equality of importance are emphasized.

Outside the official hierarchy there are in the bigger municipal bodies the recognized leaders of the separate groups or parties. Where only two parties are represented, as on the present London County Council, they may be called "the leader of the majority" and "the leader of the opposition," respectively. They play a leading role in the work of the Council, and the leader of the majority, provided that he can carry with him the support of his colleagues, is in a position to influence, and frequently to decide, the policy of the Council. The leader of the majority party on the London County Council is often

referred to as the "Prime Minister of London," and he occupies a position of great distinction and responsibility. The various committee chairmen take general charge of the work relating to their several committees, and, in consultation, form a kind of municipal cabinet. The London County Council has recently officially recognized the positions of its two leaders, and directed that they shall be known respectively as "the leader of the Council" and "the leader of the Opposition."

Reference has already been made to the work of the principal officers of the town council and to the great part that they play in local administration. Charged with great responsibilities, they are sometimes accused of being unapproachable and of exercising dictatorial powers. Brusque and impatient officials doubtless exist in the municipal as in other services; but as a rule public servants are friendly human beings with a highly developed sense of responsibility and a passion for efficiency, and they are generally accessible to any ratepayer who has either a complaint to make or a suggestion to offer.

The position of the chief municipal officer—the Town Clerk—is one of first-class importance. He is the chief adviser of the Mayor and the chairmen of committees; he is the Clerk to the Council, and in many of the smaller authorities he is also the Council's solicitor. He attends the meetings of the Council, advises the Mayor on the interpretation of standing orders, records the decisions reached, and initials them for execution. He is also technically the clerk of the committees, but this duty is, as a rule, delegated to one of his assistants. It is not too much to say that the local administrative machine takes from him much of its tone and quality. In some of the larger local government authorities the Clerk has also certain definite powers of general supervision; but even where such powers have not been specially conferred upon him he exercises a useful co-ordinating influence. He has ready access to the leading members of the Council and to all committees, and his advice is generally sought by his colleagues as well as by the members of the Council.

Local authorities in England usually function so quietly and smoothly that little is heard of them outside the council chambers. Their work is taken for granted by the general public, and when the periodical elections take place only a comparatively small proportion of the electors trouble to record their votes. This widespread apathy is in great part due to the general excellence of local government administration, and to the probity and devotion to the public

good of the great and honourable body of men and women whose labours have won for the local government service of their country the admiration of the world.

To supply an adequate picture of the daily working life at an average town hall is beyond the capacity of the writer of this chapter; but he has endeavoured to indicate its general spirit and purpose, and to commend its activities as essential, continuous, and beneficent.

#### THE POSITION OF THE STAFF IN MUNICIPAL ADMINISTRATION

It is almost a commonplace to say that good municipal administration presupposes (1) an enlightened and progressively minded electorate, willing to pay for satisfactory conditions of health, beauty, and security; (2) councillors who, watchful guardians of the public purse and resolutely opposed to fruitless expenditure, are nevertheless determined to create and to maintain a high standard of administration; (3) an efficient system of co-ordination between the separate departments; and (4) a competent, contented, and co-operatively minded staff.

The total sum spent upon local government is so vast that cheapsaving parsimony in providing the technical advice by which municipal councillors are guided is one of the most extravagant forms of economy. A municipality is always badly served by an overworked, underpaid, and discontented staff; and it is mere prudence to ensure that the rates of remuneration, the prospects of promotion and the provision for the superannuation of the officers should be generous enough to attract and satisfy men of undeniable competence and character.

It should also be the constant desire of the local authorities to recruit from the members of their own staff the highly paid and most responsible servants, and nothing is more appreciated by the rank and file of the municipal service than the promotion to a high position of one of their colleagues. The responsibility resting upon the higher grades of the service is, however, heavy. Local authorities should never risk being incompetently served, and they must, therefore, in all cases be free to appoint the best talent available, whether from inside or outside the service.

Local government officers are not unnaturally depressed when outside appointments are made, for they regard these as a reflection upon their own competence. Sometimes these feelings find expression through the various professional associations, which, however, never

ask for more than that the claims of candidates belonging to a Council's own staff should be adequately considered. The National Association of Local Government Officers, which has a membership of about eighty thousand, takes the lead in a general endeavour to improve the quality and conditions of the municipal service. Town councillors are, however, comfortably conscious that in their responsible duties they are served by men whose competence, character, and probity are beyond all question.

It is undeniable, however, that in the municipal, as in all other services, there are officers whose qualities do not fit them for positions of great responsibility. Honest, plodding, reliable, they work under orders to the satisfaction of their superiors, and their personal characters are not in doubt; but they often lack initiative, have little or no ambition, do not keenly desire advancement, and tend to become the mere instruments of a prescribed routine.

Although there exists a general desire for a high standard of efficiency among municipal officers, little effort is made by local authorities to promote and maintain a satisfactory standard throughout the service, and the relationships that exist between the professional organizations and the local authorities is more formal and remote than is desirable.

Municipal officers are frequently regarded as a favoured class who have "safe jobs," and, at the end of their service, a more or less adequate superannuation allowance. These conditions are, indeed, not without their attractions, and it is doubtless more agreeable to work for a public body than for a mean and often precariously placed private individual or company. But it should be remembered, on the other hand, that a first-class municipal officer frequently accepts a lower salary from a municipal council than his qualifications and experience could command in the open market, and that his advice is an effective safeguard against unprofitable expenditure.

Among the reforms which municipal officers keenly desire is one which would enable officers to transfer from one local authority to another without sacrificing superannuation rights already earned; and in this they are supported by many of the municipal bodies. The London County Council, for instance, on May 8, 1934, passed and forwarded to the Minister of Health the following resolution: "That in the opinion of the Council, legislation should be promoted to enable local government officers to transfer from the service of one local authority to that of another without loss of superannuation rights;

and that the Minister of Health be urged to introduce legislation accordingly at the earliest date possible."

No attempt to describe the internal life of a great municipal body could be successful which ignored, or even minimized, the influence and the essential services rendered by its trained general staff to the members of which, in one form or another, every councillor is constantly indebted for wise counsel and assistance. They are always available, always courteous and eager to help, and they make an indispensable contribution to the local government service.

Speaking of a section of the citizens of Athens, Thucydides said that "they were born into the world to take no rest themselves and to give none to others," and something of the same kind might be said of many of those who in England in our own day devote their lives to its local government service. The average town councillor may, unlike the citizens of Athens, have no conscious theory of the State, and no knowledge of the civic idealism of ancient Greece; but he, like them, can fall in love with the city in which he dwells, and be sustained by an ideal the nature of which he does not fully apprehend. He lives in the present, and he has a passion for efficiency; but the roots of his moral and social life are deeply set in the spiritual soil of Athens, Rome, and Jerusalem. In devoting himself to his native city and spending himself in her service, he gains wisdom and happiness, because "the principles which govern human relations come to be grasped only when the task of adjusting them is thrown on the shoulders of ordinary men."\*

The influence of English local government upon the life of the nation during the past hundred years has been profound; it has been a precious nursery of the civic virtues, the fruitful training ground for the national and imperial service; and it has helped to produce a reserve of administrative capacity on which British civilization may continue to draw.

It may not, indeed, be merely a fortunate accident that, while other nations seek to escape from their difficulties by the methods of dictatorship and revolution, England retains her old faith in representative institutions, and her loyalty to the ordered freedom of democracy. The writer of this chapter lives and works in the belief that the quiet serenity of this country is in great part the fruitage of her system of local government, which calls to its service many of the best of her sons, and which helps to endow her with an enviable spiritual unity and with a system of government well based "upon a people's will."

\* Lionel Curtis, *Civitas Dei*, p. 47.

## CHAPTER V

# THE COMMITTEE SYSTEM IN LOCAL GOVERNMENT

*by*

HAROLD J. LASKI

## I

EVER since the Municipal Corporation Acts of 1835, the committee has been the pivot of the system of local government. Upon its adequacy depends the whole quality of local administration. For in every authority of any considerable size, it is no longer possible for the Council to concern itself with more than the general outlines of policy. It has become, through the increase in the scope and intensity of public business, essentially a report-receiving body which, like Parliament in relation to the Cabinet, may criticize, protest, or encourage, but cannot hope to control the details of the policy pursued. It is in the committees of a Council that policy is really made; it is in the committees, also, that the supervision of its execution is really effected. The evolution of a hundred years has transformed local councils into little more than organs of registration for their committees, in which, no doubt, policy may be disputed but in which, also, direct and continuous initiative is rarely to be sought. The main function of a Council to-day is to inform the interested ratepayer of the issues in dispute. As a true organ of government it has largely ceased to function; it has devolved effective power on to the committee to which it has given birth.

Committees of Council are of two kinds—statutory and optional. Under various Acts there are certain committees which a local authority must bring into being; under various Acts, also, it has the power to appoint committees, composed either wholly or in part of members of the Council, to exercise any powers which, in its judgment, may be suitably exercised by a committee. Such committees, when appointed, hold office until the next annual meeting of the Council, and all their acts must be submitted to it for approval. The range of power of such committees is limited in a twofold way. On the one hand, their authority is limited by the terms of their creation; on the

other hand, they cannot, independently of the Council, either make a rate or raise a loan. It is also a general rule in all Councils that contracts entered into by a committee beyond a specified sum must be approved by the Council or its Finance Committee.

The creation of committees dates from the obligation, laid upon the boroughs by the Act of 1835, to set up a special body known as the Watch Committee, to deal with questions of police. Since that time education, the care of mental defectives, maternity and child welfare, and public assistance are all examples of subjects which require by statute the creation of a Council Committee. In certain cases, indeed, the Council as a whole cannot act in this field except after the receipt of a report from the appropriate committee. In others, that dealing with maternity and child welfare, for example, the Council can appoint only a majority of the committee, the remainder being selected, at the Council's option, from persons specially qualified by training or experience in matters relating to health or maternity.

The creation of non-statutory committees lies wholly at the option of the Council. But it has been found essential for the delegation of power to take place on an increasing scale. Finance, establishment, housing, parks, public health, electricity supply, tramways, highways and public works, libraries, baths, are only, once more, examples of the subject-matter devolved upon committees. The number of committees in any Council varies, of course, with the size and importance of its work. The average London borough has twelve committees, and it is usual for each member of a Council to sit upon three of them. Normally each committee will meet at least once monthly, and there will, in addition, be the duties arising from the creation of special sub-committees and the emergence of urgent business. A member of a large Council may normally assume that his work will occupy some four days in each month; but in the case of a special authority, like London, or of the chairman of a vital committee like that of finance, it may generally be estimated that business arises which requires almost daily attention. The burden of committee work to-day, in any local authority of considerable size, has become at least as great as that of a member of the House of Commons.

For the committee is not merely engaged in the discussion of general principles. The essence of its work is the oversight of the officials, the initiation of policy, the decision upon the details of its administration. A Library Committee, for example, must not only choose the books which appear on the shelves. It is responsible for

equipment and decoration. It must arrange a proper relationship between its service and the schools. It must provide lectures (for which it cannot pay) and exhibitions. It has to think out ways and means of helping, if it thinks fit, the development of adult education within its area. It has to cater for a population which varies from the casual newspaper-reader, through the shopgirl who reads fiction as a relief from her daily work, to the serious student who may be using the resources of the public library to enable him to pass a university examination. A Maternity and Child Welfare Committee may have to decide questions which range from the desirability of a new maternity home (upon the plans of which it will have to decide) to the choice between fresh and dried milk for mothers to whom this service is extended. The committee, in fact, occupies, broadly, the position in relation to its subject-matter that a minister does in relation to his department. It is not merely a legislative body; in a sense that may be of vital importance to the quality of its work, it is an administrative body also.

Every Council varies from every other in the habits of its committee system. In some it is usual for the chairman to continue in office year after year; in others a rotation of office is usual. In some the Finance Committee is composed of chairmen of the other committees of Council; in others its membership is entirely unrelated to the composition of other committees. In some, again, the character of committee work is largely governed by the intensity of party organization on the Council; in others, most notably in the counties, party organization has, so far, had relatively little influence on committee work. Some committees use their power of co-option to associate with themselves persons of proved experience in their subject; others regard their power to co-opt as a way of rewarding members of their party for their services to it. In some Councils, finally, the membership of committees is governed by the proportionate party strength on the Council; on others this principle is neglected, and a minority party, like the defeated party in the American Congress, may find itself debarred from effective representation upon committees of vital importance.

Amid variation so wide it is not easy to report with any precision the general burden of experience. It is probably safe to say that, save where a chairman is a man of quite exceptional distinction, the rotation of that office is desirable at intervals of some three years. A man who exceeds that period tends to think of the committee as his own. He

develops his own way about its functions. He is not easily accessible to ideas which do not originate with himself. He tends to take criticism badly. A chairman of dominating temper, moreover, who has held office for a long time, easily becomes impatient of initiative in his officials, and he inhibits thereby their power to contribute the burden of their expertise to the committee's task.

Finance is, of course, of the essence of a Council's life; and it may be urged with some confidence that the best way to build up an adequate Finance Committee is to compose it of members who are not already chairmen of other committees. For this prevents log-rolling in the committee itself. It makes possible and effective minority representation in finance. It secures a genuinely independent view of the Council's finances as a whole. It leaves the financial officers of the Council free from the special pressure to which they may easily become subject when chairmen of committees have, as members of it, special and direct access to them. It makes for a more critical and objective attitude to estimates when no member of the committee has a direct interest in the result of their scrutiny.

Few questions are so intricate in character as the relation of party to committee work in local government. Broadly, it may be said that once we entered upon the epoch of the positive state it was impossible to avoid the entrance of party upon the scene. Most of the large general questions which have to be solved raise issues which have a party connotation. Municipal trading, direct labour, the quality and character of schools, the range of public health services, the attitude to slum clearance and housing, are all, nowadays, so integrally related to the policies which the national parties adopt, their success or failure is so closely connected with control by those parties of the local councils, that it is reasonable nowadays to urge that, in matters of general principle, a party atmosphere is the rule rather than the exception. No doubt this is less true of rural than of urban local government; but the reason for this is probably the comparative failure of parties of the Left to make a serious impression, outside the mining areas, upon rural England. Where, as in Durham, the Labour Party has captured a majority upon a County Council, government in terms of strict party principle becomes an immediate characteristic of the committee system.

This has meant, especially in the years since the war, an immense development of an informal committee system behind the legal structure. It is now pretty general for all party groups on any given

committee to have a meeting of their own before the formal committee meeting. They go through the agenda with the chairman if they are in a majority, and decide upon the attitude they will take to the various items; or, if they are in a minority, upon the questions they will ask and the votes they will challenge. The result is undoubtedly to abbreviate committee proceedings. Its tendency is to make them less a pooling of minds, especially where the issues involved are matters of large principle, and much more a question of party opinion or strength. Where, in this atmosphere, feeling runs high because difference is acute, the tendency is naturally to transfer effective debate back again from the committee room to the council chamber. For there publicity for opinion may be counted upon, and the debate tends to assume that more formal character which arouses the interest of outside opinion.

The value of party organization in the committees has been twofold. On the one hand the rivalry of parties has made much clearer than in the past the principles of administration in local government. Policy to-day is far more coherent than it was a generation ago; there is much less neglect of particular areas of function because the committee charged with it happened to have a chairman disinclined to be energetic about its cultivation. It is clearer and more coherent, also, because the committee groups, in the general party meeting, tend to cross-fertilize each other in an admirable way. The inter-relationships of committees, housing and public health, libraries and education, emerge irresistibly. And, on the other hand, party organization tends to speed up achievement by the Council. The election becomes a test of the record the majority has been able to make; there is something to be measured by the attitude public opinion will take. Just as a local council all of whose members are of one political complexion tends to lose driving power from the absence of opposition, so one in which party allegiance is strong tends not only to discover concrete objectives, but also to relate those objectives to a general orientation of outlook which gives meaning and vitality to the Council's work.

There is, no doubt, a certain loss involved in this development. It means the disappearance of the independent member of goodwill who has, in the past, contributed considerably to the development of local government out of a sheer sense of public duty. There is a danger also that what are in fact essentially technical questions should be transformed into party issues in the hope that party capital may

be made out of them. There is even a danger that the officials may find it less easy than in the past to maintain an attitude of neutrality when the issues dividing the Council become matters of strong party feeling. There is no safeguard against these difficulties save the restraint of common sense. It is inevitable that the changes of political complexion in the national life should reflect themselves in local affairs also. If there has been a loss of the independent member, there has been a real gain in the addition of a new and important social experience in the work of the committees. If there is a tendency to over-emphasize the political motive where it is, in fact, out of place, the gain in clarity of objective probably more than compensates for its coming. If there is a threat to the neutrality of officials, its result will, on national experience, only be a strengthening among them of that professional *esprit de corps* which has contributed most of its best traditions to British administration.

It is not improbable that the worst failure in the committee system has been its use of the power to co-opt conferred upon it. There are, no doubt, authorities—London, for example—in which the power has been admirably used. In general, however, this can hardly be said to be the case. In any strongly organized authority, nominations tend to proceed on fairly strict party lines; even in a committee like that on maternity and child welfare, where the statute demands "training or experience," it cannot be generally said that the spirit of the power is at all fully observed. The retired school teacher who is working for a political party in his old age is a frequent appointee to the Education Committee; the wife of a councillor who likes charitable works tends to secure nomination to the Maternity Committee. It is, indeed, a pity that there is no national return indicating in some detail the use made of the power to co-opt; a Council which, having the choice between an eminent sociologist and the local butcher for co-option to the Library Committee, chose the latter because he had been defeated at the last Council elections, would be less apt to do so if there was a greater chance that its use of its powers could be effectively criticized. There is, moreover, the further difficulty that if the co-opted member is not connected with a party group he tends to have less influence than his special experience, if he possesses it, would warrant. Nor must we omit the criticism of the principle of co-option made by the Associations of Local Authorities that it is undesirable to give power to persons who have no financial responsibility to the electorate. On the whole, despite distinguished

exceptions, it may be doubted whether co-option has realized the purpose its inventors had in view.

The composition of committees is, once more, a matter of wide variation. It is, theoretically, absolutely in the hands of the Council; and where this has a strong party complexion the decision is fraught with serious consequences. Few committees work well in which there is not a healthy division of opinion; few committees, either, work well in which the minority rests continually under a sense of grievance. Looking back particularly on post-war experience, it would probably have been wise to have made it a statutory obligation for all Councils to appoint committees in terms proportionate to party strength upon the Council. Anomalies like those which too frequently occur under the present system have the wholly undesirable effect of persuading the minority to avenge unfair treatment when it becomes a majority. The result of this is not merely ill feeling; it not seldom deprives committees of members whose knowledge and experience they can ill afford to lose.

## II

It is in the committees that policy is decided, and a large part of the effectiveness of a committee is a function of its chairman's personality. Normally, like a Cabinet minister in a department, he is an amateur in charge of technicians, though there have been not infrequent instances where the chairman of the Education Committee has been a retired teacher, or the chairman of the Public Health Committee a doctor. It is perhaps worth noting that the expert as chairman is rarely a success. His possession of special knowledge tends to over-interference with official functions and over-emphasis upon detail. He usually also has some special thesis of his own to exploit to which he gives excessive attention. Just as the greatest Secretaries of War have been laymen like Cardwell or Haldane, so the best chairmen of committees have been men of imagination and common sense who have been able to give drive and perspective to the official outlook.

The chairman's work is comparable with, though different from, that of a minister in his department. He has to think out, with the officials, the general contours of policy. He has to guide the general lines of finance. He has to encourage the officials while, at the same time, he prevents them from falling into routinism, on the one hand, or excessive activity on the other. He has to frame his committee's

agenda in conjunction with the officials, to guide it through the committee, and to defend it, if it is attacked, before the Council as a whole. He must have a general awareness of all that his department is doing. He should possess at least a working knowledge of what is being done elsewhere. He must be ready, from time to time, to state the case for some departmental innovation effectively to the Central Government. While as chairman he has a quasi-ministerial function in his committee, he has to remember also that no small part of his task is to protect the rights of the minority who serve with him and elicit from opposition members, if he can, all that it is in their power to contribute.

It is by no means an easy position. To be to some extent the master of men who are inevitably his superiors in technical knowledge; to learn to co-operate with others who will seek to profit by any mistakes he may make; to learn enough of his department to see its possibilities and yet not so much as to lose his sense of perspective; all this is to say that the ideal chairman, like the ideal minister, is a rare enough being. He is subject to two great temptations. The first is to be overborne by the zealous official whose policy he adopts in default of a policy of his own. The other is to conceive his own policy, and to push it through regardless of official scepticism. A lesser temptation, but an important one, is to allow himself to be run by his committee instead of being demonstrably its leader. Since he is only *primus inter pares* upon it, the weak chairman is easily persuaded to let the committee take things into its own hands. It is a grave error; for it either means an absence of coherency in the planning of work, or else the triumph of mere routine in the failure to have a continuous and deliberate objective.

The classic example, of course, of the chairman at his best is that of Mr. Joseph Chamberlain in the years when he was leader of the Birmingham City Council. His success, on the evidence, was due to certain clear perceptions from which he never swerved. Experience of Birmingham life taught him certain definite objects of policy he wished to attain; to them he devoted all his immense energy and ability. He saw also that the technical preparation for his ends was a matter for his officials, and not for him; he left, therefore, the work of detail to them. But he secured their eager co-operation from the outset by the zeal he brought to the understanding of the official point of view, the emphasis with which he protected them against attack, the encouragement he gave them for good work done. Hardly less important were

the time and energy he spent in educating his own colleagues to a sense of the significance of what he was doing. They were well spent; for the result was to surround himself in the Council with a body of informed colleagues only less enthusiastic than he was himself about the need to bring his great plans to a successful conclusion.

It is difficult, indeed, to exaggerate the good, or the harm, a chairman may do in any prolonged period of office. In the first place, he builds a tradition, and this may well influence the habits of his department long after he has ceased to preside over its destinies. In the second place, he will profoundly affect the work of his officials. A chairman with a big plan, a chairman who knows how to encourage men to give of their best, a chairman who refuses to allow the official to be snubbed or unfairly attacked, will add enormously to the efficiency of his staff. And, conversely, the chairman who is himself interested only in the routine he has inherited, who is aloof, or weak, or discouraging, will rapidly affect the quality of service he can command. He has got to learn the qualities of his staff, their ideas and hopes and fears, exactly as he might learn those of a body of men in his own employ. He must be on the look out for the capacity which deserves promotion. He must be prepared to hear and investigate grievance. He must be a careful student not merely of staff conditions in his own authority, but also elsewhere. He must learn to realize that the ability to build up a contented and efficient staff is half the art of local administration.

Not less important are his relations with his colleagues on his committee. He has not merely to carry them with him, so far as he can. He has got to create the sense, among his opponents not less than among his friends, that a large part of the work of local government springs from the pooling of minds rather from the antagonism of minds. Men may differ upon large questions of principle who, nevertheless, when decisions of principle have been taken, can co-operate upon the details of its application. No small part of the difference between good committee work and bad in local government depends upon appreciation of this fact. For no one who has had experience of its functioning will deny that, all political difference apart, there is a large area of what may be called common agreement in which all members of a committee can be persuaded to give of their best. A committee, to take an obvious example, may not agree upon the principle that it is desirable to pull down Waterloo Bridge; but good chairmanship can still secure, after the decision to pull it down has been taken, intel-

lectual co-operation of the kind that will ensure that the best possible bridge takes its place. Good chairmanship, that is to say, has an opportunity in committee work, that it rarely possesses in the full Council, of deliberately narrowing the area of political antagonism so that the functioning of a committee may become a genuinely corporate adventure.

No small part of this ability lies in the chairman's capacity for communicating a real sense of responsibility for his committee to the other members of it. He has the task, which is a complex one, of at once maintaining his own leadership and, at the same time, evoking responsible initiative from his own colleagues. Few changes are so real in any committee as that which follows after a merely routine responsibility in its membership. Its sources are manifold. It may be an over-autocratic chairman. It may be a refusal to consider some project of a private member sympathetically. It may come from a discouragement of officials, a tendency to seek for economies indifferently to the weighing of their results. Unless a chairman can transform a committee into enthusiasts for the development of the service with which he is charged, he has failed in his task.

For it is one of the outstanding characteristics of local government in the last century that, indifferently to political opinion, its subject-matter has been able to evoke enthusiasm from all who have been concerned with its administration. The stout Tory councillor to whom nationalization of the mines is anathema will, as a member of a local Electricity Committee, show a zeal for its development which should satisfy the most ardent exponent of socialism. The main educational development of a large northern local authority has been largely due to a Liberal councillor who must be one of the few remaining Englishmen with a full faith in *laisser-faire*. It is an administrative truth of the first importance that men who get their hands on a big governmental machine become concerned to exploit its full potentialities merely by learning what they are. Just as no small part of English social progress in the nineteenth century was due to the reports of doctors, sanitary engineers, and educationists who, indifferently to their political views, worked out the technical implications of the material they were charged to investigate, so also no small part of its progress in local government has been due to the disinterested zeal of councillors who have been concerned to push forward the schemes of some committee in whose work they had become interested. No small part of the difference between a good

chairman and a bad one has depended upon his ability to realize the significance of this truth.

One other aspect of the chairman's work deserves a word. In any committee which is built upon party lines, a good deal of his efficiency depends upon his power to make his party group play as an effective team. If his committee is small, and it is unnecessary from the area of its functions to subdivide it into other committees, this is not a very difficult task. But in a large authority, like London, for example, many of the committees must be divided if they are to do their work efficiently. There are, for instance, five sub-committees of the Education Committee in London; and the number of sub-committees dealing with hospitals is well-nigh legion. Where subdivision is necessary from the mere range of duties, the chairman must, as in London, delegate his powers to colleagues; and not the least part of his task is so using these as to make his own line of action implicit in the policy they follow. He has to confer upon them at once the sense that they are associated in an adventure in which he is the leader and that, within the sphere of their sub-committee, they must bring to their work an independent drive and initiative of their own. Anyone who knew the late Sir John Gilbert's work in London will recognize that this was an art that he possessed in a peculiarly eminent degree. The educational policy of London under his chairmanship not only moved, but moved in a unified way. His colleagues on the sub-committees of the larger body were essentially like members of a Cabinet who, while they are left large freedom in their departments, always feel the co-ordinating hand of the Prime Minister outside. That power to integrate is of the essence of the administrator's art; and without it no chairman can feel secure in the driving of his team.

### III

Committee work in local government differs from that in the national sphere in that its outstanding quality is a function of direct contact between members and the officials of Council. While the contact between a member of the House of Commons and those civil servants who so largely influence policy is at best interstitial, in a committee of a local authority the elected councillor and the chief officials have a direct and continuous relation. Indeed, it may fairly be said that the more close the co-operation between them, the more effectively is its work performed. A committee relies upon its officials not only for

expert information and advice, but for the shaping of plans, the guidance of policy, that discreet and tactful criticism of either excessive inertia or over-bold experiment which has been so largely responsible for orderly progress in English local government during the last century.

Formally, of course, the members of the committee are its masters; and the officials are there merely for the purpose of advice. But no really able official remains an adviser only. Broadly, it may be said that the less technical the subject-matter of the committee, the more influential the advice of the committee is likely to be; and in the technical field an official who has judgment and tact in the handling of men will know but little limitation to the influence he can exercise. His task, indeed, is a delicate one. He has to win the reality of power without seeming to secure it. He has to arrive at some *modus vivendi* not only with his chairman, to whom the exercise of personal power may be a precious experience, but of members who enjoy "teaching the officials their proper place." He cannot dominate them, since he thereby merely invites attack. He cannot intervene in debate with the hot, pungent argument which is often decisive in discussion. He has to hint, to persuade, to learn by trial and error the delicate art of letting facts speak for themselves. He has to learn to press advice without arousing antagonism and to invent policy without seeming to be its author. He has to steer his way through men often enough separated by personal and political differences which may easily combine to defeat his views of what his committee ought to do. He has to discover the point at which the outcome of technique is transformed into political principle, and to withdraw into effective silence at its boundary. He must learn how to handle kindly the crude prejudices with which he is so constantly confronted, and at the same time to discover that amongst them there is often an invaluable idea which his technical knowledge may shape to useful purpose.

It has been said of the great public servants of the Crown that they are the men who have exchanged dignity for power. In their sphere something of the same quality may be attributed to the local officials in this context. At their best, with men, for instance, like Sir Thomas Johnston, or Sir Robert Blair, they reach a level of statesmanship for which no praise could be too high. They are, in fact, the responsible authors of creative policy which they pursue for long years with success, not only persuading Council after Council, but even Parliament itself, to realize the significance of their views. An effective

official builds a tradition for his committee which may well transcend altogether its political complexion. He must be able to persuade without appearing to dominate. He must not only know when to give way; not less important he must know how to return to his ideas in such a way as to prevent them from seeming to be his personal idiosyncrasies. He must learn the difficult art of making committee meetings a training-ground for its members not only in the task of leadership, but also in the realization that his subject-matter is important. For he has to remember that everything he conceives to be desirable is always governed, in the long run, by the overwhelming consideration of finance. An eager Director of Education, an enthusiastic Chief Librarian, an energetic Borough Surveyor will not have their way unless they can persuade their respective committees that it is urgent for them to have their way; and the best method of convincing them of this urgency lies in the art of successful persuasion.

At its best, accordingly, the relation between the committee and the official is positive, and not negative, in character. The preparation of agenda, reports, statistics, for a committee is, inevitably, the preparation of policy for its members. There results from this a number of inferences which it is perhaps worth while to draw. (i) In general, the relation is at its best when the experience of the official has not been limited to service with a single authority. Where the official has not had to consider, through variety of experience, the foundation of his routine, he will tend, after a surprisingly brief time, to take the principles of his administration for granted, and he comes, thereby, to lack that power of adaptation to new conditions and ideas which is fundamental to his creativeness. (ii) In general, also, long continuance in office of the same chairman is bad for the committee. Unless he is an extraordinary man, he tends to adopt both a policy and a procedure which he is not anxious to change. Official habits and expectations become adapted to his habits and expectations. The things he dislikes, the specialisms he pursues, tend to become recognized as principles in the department. Where the chairman of long tenure is a powerful personality, the whole initiative of the committee then too easily becomes concentrated in his hands. His policy becomes not an ideal to be criticized, but a command to be imposed. Sooner or later this means rebellion in the committee as new members arrive for whom the tradition is not sacrosanct; and when rebellion comes, the danger that the officials will be regarded as wedded to the older

view is a formidable one. Especially where a local authority is sharply divided on party lines, it is difficult to preserve the faith in the neutrality of the officials, in circumstances such as these, which is of the essence of successful administration.

The relation is positive in another way. Every committee naturally looks to its officials for guidance. Its members know, in a vague and general way, what they want to do; but they inevitably rely upon the officials to translate their broad conceptions into concrete administrative reality. No one who has watched a committee at work can doubt the immense influence the official yields in effecting this translation. The estimates of cost; the critical evaluation of the scheme itself; the making of relevant comparison with other experience; all these provide him with opportunities for shaping policy which may well be decisive of its fate. One is tempted, indeed, to the generalization that the quality of a committee is almost a function of the energetic criticism of its chief officials.

But, so stated, the generalization is too wide. For there is an interaction between the official and the members of his committee which may well make all the difference to his effectiveness. Few officials will be really successful without the encouragement of their elected superiors. They have to possess the mysterious sense that something big is afoot. They have to realize not only that they are encouraged to plan, but also that there is certain to be energy and drive behind their plans when they are made. There are instances and to spare in the history of English local government of a poor official in one authority becoming an admirable official in another simply in terms of the interest and effort put by his committee into its work. This is the outcome of that alchemy of personality for which no standing orders or committee practice can provide. It is a function of character and temperament which prospers or fails as officials and councillors manage to learn the art of working together.

One supreme merit, at least, the relation has. It has kept the English system of local government astonishingly free from the insidious vice of bureaucracy. Anyone who compares it with that of Germany or of France can have no doubts upon this head. The German system may be more efficient and, especially in the towns, more experimental in outlook; but it is far more government from without, far less capable of developing the sense of local initiative and responsibility, than is the English system. A distinguished German official is much more the master of his town than his English counterpart; he is also

much more visibly a member of a caste or order to whom public opinion matters much less than it does in this country. The French official has neither this importance nor this self-esteem. But the French relationship, despite achievements like that of M. Herriot at Lyons, has little that compares with the English model. The French principle of deconcentration leaves far less elbow-room to a local council to find its own corporate spirit, and in a big city the essential feature of the career alike of official and elected person looks to the national government for its final expression rather than to the fulfilment of local opportunity. Nor is any comparison possible with American experience. For the American councillor or mayor is essentially a professional politician using his local position as a stepping-stone in the consolidation of a national career. He is usually engaged in local politics as a man is engaged in this country in business or one of the professions. The ideal of part-time and unpaid service is hardly known save as a temporary cure for the evils of that widespread corruption which historic circumstances have made almost endemic in the American system. The relation accordingly of the elected person to the officials bears little resemblance to the habits we know in England. Either it is that of superior and inferior, in which the technique of the official is too profoundly sacrificed to the end of the party or the persons in power; or, as often with the best officials, it is a relation of parallelism in which technique and formal authority struggle with one another for the support of a public opinion whose active interest can rarely be elicited except at moments of great tension in a crisis of special import.

At its best, the virtue of the English method is the same as that which distinguishes the relations between minister and civil servant in a department of the central government. It is built upon a mutual appreciation of the contribution each can make, rather than upon any formal rules. Theoretically, the elected committee of amateurs is the master of the field. Actually there is no definable limit to the influence the expert official can wield, granted only that he has the two qualities of disinterestedness and personality. The elected committee contributes common sense, an experience of the results of what the service involves, a body of general principles which set the perspective of the administrator's technique. They will rarely know the detailed import of the vast technical material upon the general bearing of which they are called upon to decide. But a good committee will learn fairly rapidly to appreciate its drift. They will develop with

astonishing quickness that same capacity which is outstanding in the House of Commons—that power to judge men which makes character, not less than ability, a passport to confidence. No doubt the growth of functions has made it more difficult in recent years for the amateur to follow the processes of the expert with anything like the easy assurance of a century ago. The official inevitably has a larger place than was then the case for the simple reason that the lines of policy follow more naturally from the discoveries of his technique than was then even imaginable. But it is still true of local government that the largest objects of public policy are a matter in which the amateur's conception of what constitutes the well-being of the community remains supreme. So long as the English people is determined to preserve this conception—in itself the heart of self-government—no increase in the complexity of local government problems and no extension of the area of its functions will admit the disease of bureaucracy within the system.

For there is no evidence to suggest that the officials have sought an undue magnification of their power. On the contrary, everything goes to show their realization that the elected committee is an admirable instrument for breaking a policy, as Sir Arthur Salter has put it, on to the back of the public. There has grown up, in local politics as in national, a doctrine of elected responsibility which happily divides power from influence without the need to erect defined boundaries between them. The occasions are rare in the working of the committee system when it becomes necessary to teach the official that he is the servant, and not the master, of his committee. The occasions are rarer still when their relations reach that point of strain where fruitful co-operation no longer becomes possible. Committees, no doubt, are known in which the members resent any overt display of official initiative; and one sometimes finds the official, particularly of long-standing and settled routine, who resents innovation in ways to which he has become accustomed. Yet, on the whole, anyone who compares the quality of local government to-day with what it was one hundred years ago, cannot avoid the conclusion that, on this head at least, the committee system has proved itself. It stands, with the Cabinet and the modern Civil Service, as one of the fundamental English contributions to the difficult art of self-government. Its achievements become the more remarkable the more closely they are scrutinized.

## IV

Every committee, as a normal rule, must report its proceedings to the Council for approval; and, in theory at least, the Council invariably remains the formal organ for the registration of decisions. For a number of reasons, however, it is the committees, and not the Council, which remain the effective centre of decisions. Since the Council is composed almost wholly of men who must earn their living, its members, as a whole, lack the time necessary to examine the whole range of committee work. In any large authority, moreover, the Council is too big for effective scrutiny of detail to be undertaken at its meetings. It is not an exaggerated estimate to say that in an average Council some 90 per cent of the resolutions passed in committee will go through the Council without challenge. As a general rule, the details they contain are no more susceptible of general debate than the substance of the several thousand rules and regulations made annually by the departments of the Central Government under statutory powers delegated to them by Parliament.

On analysis, therefore, the function of the Council in relation to its committees becomes threefold in nature. It is the proper place for general debate on principles. It is the proper place, also, for criticism of any committee action which raises matters either of large substance or of wide financial import. It is the proper place, finally, in which to survey the general plans of the committees for each year of office as revealed in their proposed annual estimates. Broadly speaking, a Council that does these things efficiently is able to exercise a sufficient control over its committees when the fact is borne in mind that it has power over the general ambit of their authority by the terms of reference from which they take their origin.

For in this way the Council assures to itself the necessary critical examination of any point that may be open to question. A committee works with the knowledge that any of its decisions is open to challenge. It cannot be secretive about its proceedings, partly by reason of the fact that the presence of the minority there is a vital factor in making public the motivation of its acts, and partly because, in the last resort, it is never the master of its actions until the Council has finally spoken. It is not, perhaps, as true to say of the Council as it is to say of the House of Commons that in any matter of wide general import, the public has an assurance that all that needs to be said on all sides will be said; there are probably few Councils outside the largest in which

the level of general debate is as high as this would imply. But it is true to say that few decisions of real moment, especially if they have any serious financial consequences, will pass unnoticed. And this, it may be added, has become more true in recent years as Councils have tended to become increasingly invaded by the national parties. This has made local policy much more an expression of national principle than it was, for example, in the Victorian age. In matters like housing, education, public assistance, municipal trading, the use of direct labour, the attitude of a Council is much more likely than in the past to be determined by general political considerations which make debate more useful by elevating the discussion from analysis of detail to scrutiny of principle. In a sense, no doubt, this tends, in its turn, to make the work of the Councils of a more uniform pattern than in the past; there is a certain loss of local distinctiveness. But it makes also for a far greater clarity in objective than was the case formerly by making the differences in party complexion in a Council much more a clash of philosophies. This, in its turn, makes the work of the committees far more significant, especially in the urban areas where party organization is stronger than it probably has been at any previous time.

The question has been raised as to whether the control of a Council over its committees is nowadays close enough to secure the requisite co-ordination. The average Council meets monthly for some eleven months in the year; it sits perhaps for two or three hours; can it, in so brief a period, scrutinize with any thoroughness the work of committees which take thousands of decisions annually? For, it is pointed out, few of the committees have any close relation to one another; each, indeed, is to some extent jealous of its own independence. And the officials of the Council tend to a similar independence also. There is little continuity of contact for the shaping of co-ordinated policy between the Director of Education and the Chief Librarian, between the Chief Medical Officer and the County Surveyor. We may find that the policy pursued by an Education Committee is progressive while that of a Library Committee is inert or even reactionary. While an able Town or County Clerk may be able to effect a high degree of administrative co-ordination, no one would expect him to be responsible for co-ordination in planning over a field so wide as the activities of his Council. And since the latter never really initiates policy, correlated movement in the policy of a Council is something for which the present system, it is held, makes inadequate provision.

There may even be clashes in policy of a kind stigmatized as "ludicrous" in matters so important as housing or the acquisition of land.\*

There is no doubt some truth in the criticism, though it may easily be pressed too far. For, after all, the same Cabinet may be notable for wide divergencies of outlook in relation to co-ordinated problems. An active Foreign Secretary may be flanked by an inert President of the Board of Trade; an enterprising Minister of Transport may have as his colleague a Postmaster-General whose only ambition is to let sleeping dogs lie. No system of government yet devised has been able so to organize its activities as to proceed in parallel formation upon a single front. Variations in personality, the exigencies of time and finance, the principle of prior urgency, all militate against this possibility.

And any well-organized Council is related to agencies of integration which are at least as notable as the centrifugal tendency. In subject after subject the Central Government is at hand to define a minimum standard of performance and indirectly to encourage the achievement of something beyond this level. Some co-ordination, further, is achieved by the Finance Committee; a good deal can be done by the General Purposes Committee; more still by the fact that most members of the Council are members of several committees, and inevitably utilize the experience and purposes of one to stimulate the experience and purposes of the others.

But more important than any of these is the integration contributed, in any well-organized Council, by the party group and its meetings. As a rule this has two aspects. On the one hand it is an executive of the party chairmen of committees. They meet together fortnightly, or more often, discuss their difficulties, and plan their course of direction. More policy is born in small and private meetings of this kind than in any other organ of local government. It is free, it is intimate, it is composed of members upon whom the main responsibility rests. Beyond it is the group meeting of the party as a whole. To it the executive of party chairmen presents its report on policy. It will go through the party agenda. Questions will be asked, grievances freely ventilated, information be given. It is not infrequent for such a meeting to set up special sub-committees to consider what line of action shall be taken on some problem of particular significance. Then the problem goes back to the group to emerge therefrom into the

\* H. Finer, *English Local Government* (1933), p. 225. Cf. Simon, *A City Council from Within* (1926), which appears to form the basis of Dr. Finer's criticism.

committees of Council for more public discussion. Here, above all, the centre of effective co-ordination is to be found.

It is complained, further, that the system lacks any critical examination of finance such as is performed for national expenditure by the Treasury; that the Finance Committee does not seriously go into the estimates in a Treasury spirit.\* But, in fact, in any Council where the finance officer is really efficient, the technique is not a very different one. No committee can overspend without the sanction of the Finance Committee. Each item of its estimates will be canvassed by the Finance Department, and comparison with previous years will be carefully drawn. A chairman of a committee who, on grounds of general policy rather than exceptional urgency, desires a supplementary estimate will find himself the object of a criticism not less rigorous than that which the average Department meets from the Treasury. It is, no doubt, true that a Finance Committee does not co-ordinate policy further than to estimate their financial consequences. It may protest against the commitments to a new housing scheme; but if the party majority is determined upon it, and the necessary confirmation is forthcoming from the Ministry of Health, the Finance Committee is unlikely to have its way. But, after all, if a First Lord of the Admiralty has persuaded his Cabinet colleagues of the need to build more ships, the Treasury will have to accept increased naval estimates. The chairman of a Council Finance Committee is in much the same position as an average Chancellor of the Exchequer. He will have his way to the extent that he can persuade his colleagues that proposed expenditures are unwise. His weapon is an analogous one—the impact of expenditure upon the ratepayer, as the Chancellor points out its impact upon the taxpayer. It is true that a Finance Committee composed of chairmen of spending departments is not the most efficiently devised watchdog for this end. But where it is composed of ordinary members of the Council this does not apply; and, if policy is to proceed upon any scale, it would be impracticable to give it a control over finance if by that control is meant a veto over proposals in the interest of an integration that must be rightly effected elsewhere. It may even be said that Treasury control in the sphere of national government is of very doubtful advantage from the angle of putting a big policy into operation. It must, after all, follow Cabinet policy critically at the

\* Cf. Mr. Arthur Collins, *Finance Departments in Administrative Control of Public Administration*. October 1927; and the evidence of Sir Ryland Adkins to the Royal Commission on Local Government, 1925, vol. i, QQ. 1954 f.

best; it is not its business to dominate the Cabinet. And the argument that the Chancellor of the Exchequer is "by tradition" the second man in the Cabinet is a fallacious one. No one questions his importance; but the weight he will carry on any particular question depends upon the policy he is urging. Chancellors of the Exchequer, like chairmen of Finance Committees, win and lose in terms of their ability to convince their colleagues. We may have dominating Chancellors like Mr. Gladstone; but the history of Lord Randolph Churchill makes it plain that even an urgent Chancellor is not always triumphant.

In any case, co-ordination through financial control is a wholly mistaken principle unless the view be taken that there is a definable upper limit of desirable expenditure. But as long as the proceeds of a rate are so various, and the needs of local authorities so different, it is impossible to discover such a limit with any precision. Co-ordination, in these terms, is bound to be on the one hand a function of party organization in the Council, on the other a function of the qualities of its members. If a particular committee has a poor chairman, or inefficient officers, even obvious need for development will not produce the same result as where the reverse is the case. We are in a realm here where institutional mechanisms reach but a little way. The problems which co-ordination raises are problems of values on the one hand and of men on the other. These cannot be resolved by giving additional powers to one committee, or creating a new one, or by revising the Standing Orders. They are met by electing to a Council men of vision and insight, who know how to find and to use competent officers. On the whole, looking back on the last century, it cannot be said that English local government has ill succeeded in this task.

There is, however, one aspect of Council work in its relation to the committee system in which real defects are apparent: in the system of appointing, training, and promoting officials. If one thing is apparent from experience, it is the need for uniformity and centralized principle in this matter. Every local authority needs a single Establishment Committee charged with the function of regulating this field. So far as possible, it needs also to relate its practices to those of other Councils, not least in regard to superannuation, in order to promote the maximum movement from one authority to another, especially in the lower grades of the service. It requires to insist upon the possession, or

acquisition, of standard qualifications for appointments, it should discourage patronage, and the simple, but undesirable, practice of mistaking seniority for merit where promotion is in question; it ought to make provision for encouraging the junior members of its staff to get further training after they have entered its service; and it ought to insist, in all non-technical appointments, upon entrance by competitive examination wherever possible. On the analogy, further, of the national Civil Service, the larger local authorities ought to encourage the entrance of university graduates into the service, and to discourage the retention of the wholly evil system of part-time appointments.

It cannot be said that local authorities have met the problems raised by the immense developments in their staff in any adequately imaginative way. Many Councils have no Establishment Committee at all, but leave the employment of staff, and all the related issues, to each committee individually. Recruitment outside the larger authorities is still haphazard and fortuitous. A good deal of discreet patronage, sometimes something more evil still, persists over wide areas. The number of Councils with proper schemes of grading, promotion, and education of staff is still quite inadequate; and superannuation is still a far from universal rule. It should be added, further, that the development of Whitleyism, based upon a proper recognition of trade unionism in the local service, is still in its infancy. In the realm of staff problems more has been done by the different associations of local officers to secure proper standards in their respective spheres than has so far been done by the Councils themselves.

The reason for this failure lies, on the whole, in two directions. Partly it is due to the immense increase in local government functions in so short a space of time. As always, English government, proceeding rather by improvisation than by principle, finds itself in the middle of a problem with a sense of surprise at its existence. Partly, also, it is undoubtedly due to the jealousy of each local authority for its own independence. To adopt a uniform principle of management in this field seems to many of them like a criticism of their past methods and traditions. Yet it may be said with confidence that all the reasons which led, first to the appointment of the Northcote-Trevelyan Commission of 1853, and then to Mr. Gladstone's Order in Council of 1870, in the national Civil Service, now require a similar reorganization of technique in the local government service.

On experience there appear to be required the universal acceptance of seven principles. (i) It should be a statutory requirement for all

Councils to set up an Establishment Committee with the power, subject to the overriding authority of the Council itself, to decide all staff questions. (ii) If possible by agreement through the Associations of Local Government Authorities, but otherwise by statute after an appointed date, national recruitment to the local service, so far as the general principles of admission are concerned, should be enforced; and Establishment Committees should be compelled to act within the framework of these principles. (iii) Superannuation schemes should be universal, obligatory, and compulsory. (iv) Subject to existing interests, part-time posts and the system of premium-pupils (which leads indirectly to patronage) should be abolished. (v) In all authorities employing more than thirty officials, the Whitley principle should be accepted as the basis upon which to deal with staff problems. (vi) Every committee of Council which applies to the Establishment Committee for additional staff should accompany its proposed appointment with observations thereon from the Finance Committee of the Council. (vii) All Establishment Committees should devise schemes of educational training for officers not already in possession of appropriate qualifications for their posts, and the possession of these should be made a condition precedent to promotion above a certain salary point in the grade concerned.\*

Upon some such basis as this the relation between Council and committees on the one side, and committees and their officials on the other, is likely to be far more satisfactory than in the past. The problem has now reached proportions when it is impossible any longer to be satisfied with the *ad hoc* and individual solutions with which we have been so far content. Not less truly than Whitehall, the local government service has become nationally important. We have admitted this, in a sense, by making certain technical appointments, the Medical Officer of Health and the Chief Constable, for example, subject to central confirmation. We now need to go farther, and secure uniform and minimum conditions within the service, even granted the range of difference that exists between the local authorities. The way to that vital end lies through the full acceptance of the Establishment Committee and all that it implies.

\* On the whole problem of the local civil service see the Report of the Departmental Committee on the Recruitment, Training, and Promotion of Local Government Officers. (1933.)

## VI

A special word should perhaps be said upon the anomalous position of the Watch Committee in relation to the local Council. Though, under statute, it is appointed by the Council (though in the counties the power of appointment is shared with the Justices of the Peace) its proceedings, on the police side, are not subject to review by the Council, and even its finances come imperfectly under Council control. The purpose of the arrangement has been to keep all police problems, especially those connected with the function of prosecution, free from the danger of personal or political influence.

The problems to which police administration gives rise in any community are, of course, manifold and complex. In the light of the inquiries of recent years, it cannot be said that the solution we have adopted is a really satisfactory one.\* Training and recruitment raise issues which would better be solved by a definitely national force; there is little reason, either, to doubt that this would make the detection of offenders easier in difficult cases; and it would admit of considerable economies in such matters as the training and housing of constabulary. But more important are the facts that a national police force would remove two difficulties which remain real and profound a generation after Redlich commented upon them in his classic treatise. It would remove local pressure upon prosecutions for petty offences in relation to the liquor traffic, the abatement of the smoke nuisance and motor offences; this, only too often, is still pervasive, especially in the smaller police areas. It would also make much more effective than is now the case the direct location of responsibility for police activity.

At present the situation puts the Council in an impossible position. It appoints a committee whose decisions it cannot discuss, much less control. Outside the Metropolitan area the Home Secretary has no responsibility. London apart, therefore (for the Home Secretary, as the famous Savidge case made manifest, must answer fully in the House of Commons), the principles of police administration are in the hands of men who need give no account of their trust. If a police Peterloo were unfortunately to recur, the only effective control a local Council could exercise would be to change the composition of its Watch Committee at the end of its year of office; in the counties, it would not even be in that position of indirect authority. It is clearly

\* Report of the Committee on the Police Service, 1919; Report of the Committee on the Amalgamation of the Police Forces, 1932.

undesirable that this position should continue. Responsibility for administration ought to involve censure for maladministration; and a dissatisfied Council ought to have the power to make such change in control as it thinks desirable. As it is, under the present régime, responsibility rests in a twilight world from which its consequences never clearly emerge into the light of day. We may grant that the record is happily free from major scandals; but the basis of the system remains administratively unsound.

## VII

An analyst of the functioning of local government in England is tempted to build his categories on a theory of the separation of powers, and to argue that while the function of the Council may be equated with legislation, the committees find their appropriate sphere in the task of administration. In actual fact, no such convenient simplicity is applicable. The success of the system has been built, not upon the separation of powers, but upon a confusion of them, half deliberate, half unconscious. Every committee at some stage of its work is legislating not less than administering; and there is a wide range of functions imposed upon them in which it is difficult not to describe their task as at least quasi-judicial in nature. If a good Council can stimulate its committees to creativeness, it is not less true that good committees make for an effective Council. It may, indeed, almost be said that where there is one really good committee on a Council, its purposive energy will stimulate others, and thereby the Council itself, into creativeness.

The success of the system has undoubtedly been due to that curious combination of amateur and expert which is characteristic of English self-government. By its influence innumerable small shopkeepers, local estate agents, semi-feudal landowners, coal miners, retired professional men, have been transformed into public-spirited servants interested in a complicated technique for its own sake, and eager to speed on a development which has largely transformed the national life. The system, like most things English, depends for its successful working on the ability to compromise at pivotal points. It may be doubted whether it would have worked so well if central control in important spheres had not come to stimulate the repair of local deficiencies. It owes more than it is usual to acknowledge to the development of standards of competence in the self-governing pro-

fessions. It owes hardly less to the fact that the extension of the franchise has raised rapidly to a much higher level the standard of public satisfaction demanded for the amenities a local authority must provide. It owes a good deal to the development of public taste and public self-respect through the development of national education; and one of the vital products of this development has been to bring into membership of the local Councils a *nouvelle couche sociale* whose wants and experience have been sufficiently different from those traditional a generation ago as to widen creatively the horizon of the Councils.

It has had its failures. In general it has been curiously unsuccessful in arousing widespread public interest in its work. The time it requires, in the counties the amount of travelling it involves, has seriously diminished the range of capacity upon which it ought to be able to draw; and the fact that it is unpaid service has meant a regrettable handicap, again mostly in the counties, upon its ability to attract working-men and -women into its ranks. Not unconnected with its failure to arouse public interest is the fact also that its work generally is too technical in character or too detailed in extent to be attractive to the Press; it too often needs to attack some powerful vested interest to become "news" in the accepted sense of the word. Something, too, must be attributed to the character of the statutes upon which its powers rest; the fact that any deliberate innovation in authority will probably require an Act of Parliament has no doubt operated as a technique of pre-natal control for much local initiative; there must be few Public Library Committees which have not considered embarking upon a system of lectures only to find that to obtain powers to pay the lecturers would run them into Parliamentary expenses they cannot afford. They have suffered also from that limitation upon the sources of their service which has made them too often compelled to regard the angry eye of the ratepayer first, and the quality of the amenity they offer afterwards only. They have been affected, finally, by the absence, in our scheme of things, of bringing before the Councils and their officials any really adequate view of comparative experience, whether domestic or foreign. There is always a point in the history of administration when it needs to be regarded from an eminence.

But, all things considered, the committee system has proved itself amply in the working. It has not only been a nursery of local statesmanship, some of it of remarkable quality; it has served also as a means

of fertilizing Westminster with the results of local experience. Its success has been a safeguard against that easy tendency to centralization which is the paralysis of effective self-government. There is no reason to suppose that its flexibility will not prove adequate to the conference even of more responsible tasks in the future. No doubt areas will have to be revised and powers reorganized; but when this is at long last accomplished, the technique of the committee will certainly be found to be the pivot which makes possible the democratic operation of local government.

## CHAPTER VI

## THE MUNICIPAL SERVICE

*by*

L. HILL

## I

TO trace the history and development of the municipal service is as interesting as, and in some respects a more speculative occupation than, tracing the history and development of local government itself, for, whereas charters of incorporation point a definite finger to the road back to the first beginnings of local government, the first statute to mention the appointment of a local government officer was passed in 1555 and created the office of Surveyor of Highways.

But a knowledge of the pre-1835 local government service is useful only in so far as it gives a cultural background to the modern organization of the service and, for the purposes of this volume, it is not necessary to go back further than the Municipal Corporations Act, 1835.

In order to contrast the conditions then existing with those of to-day, it is illuminating to quote one or two actual examples of what constituted the staff of a local authority immediately after the passing of that Act.

Manchester, for instance, did not receive a charter of incorporation until 1838. The Council at its first meeting appointed a mayor, a town clerk, assistant to the town clerk, treasurer, a police magistrate, a recorder for the borough, clerk of the peace, coroner, and a deputy billet master, and budgeted for their salaries in the sum of £2,000. There must have been some other clerks as well, as the total of the salaries bill was £3,360. For instance, in the town clerk's department, in addition to the town clerk, there was a committee clerk, a prosecutions clerk, whose salary was mentioned as 20s. per week, and a clerk or messenger. The staff of the department at that time was four, whereas the corresponding figure to-day is one hundred and four. The whole expenditure of the city for 1838 was about £30,000, and to-day it is over £6,000,000. Its area was then 4,293 acres; to-day it is 27,256 acres. Its rateable value a hundred years ago was £669,954, and this has now risen to £6,645,042.

Birmingham also received its charter of incorporation during 1838. The first meeting of the Council was held on December 27th of that year, and there was then elected a town clerk and a registrar of the Mayor's Court. At subsequent meetings it elected a recorder, clerk of the peace, coroner, and the list of borough officers was completed with the election of a treasurer during June 1839. Until 1851, the actual government of the borough was divided between the Council and several local bodies created by previous special Acts of Parliament, namely: the Birmingham Commissioners of Street Acts (with powers of paving, lighting, and cleaning and regulating streets, markets, etc., in the Parish of Birmingham); the Deritend and Bordesley Commissioners (with similar powers for those hamlets); the Duddeston and Nechells Commissioners; the Guardians of the Poor of Birmingham; the Municipal Corporation; the Deritend Surveyors of Highways; the Bordesley Surveyors of Highways; and the Edgbaston Surveyors of Highways.

These bodies levied rates, exercised authority, and absorbed important departments of administration, so that the corporation was deprived of its powers; they were self-elected, entirely beyond the control of the ratepayers and owed them no account of their proceedings. The corporation was therefore obliged to content itself with limited functions. The police force was reorganized, a gaol built, a lunatic asylum established, baths and washhouses set up, and such Acts of Parliament as could be put into force, such as the Weights and Measures Act and Nuisances Act, although under the latter the Council could only appoint honorary medical inspectors.

On the other hand, Leeds has an old Charter of Incorporation, but no information could be supplied so far back as 1835 "as the employees were paid by the banks"!

Sheffield was not incorporated as a borough until 1843, but between 1818 and 1843 "the chief authorities were the county magistrates, the police commissioners, the vestries, and the highway boards. The second-named body (afterwards called the "improvement commissioners") was created under an Act of Parliament in 1818 for cleaning, lighting, watching, and otherwise improving the town of Sheffield. In 1843 the salaries paid to the clerk, surveyor, and collector amounted to £242 10s. The highways in the (six) townships were superintended by a board. The Sheffield Highway Board consisted of fourteen members; they, like the others, had their own clerk, surveyor, and collector."

"In 1843, the township of Sheffield, in the department of the highways, had an excellent staff of permanently paid officers."

We can get another angle on the development by pausing to look at the chart of legislation of the past hundred years concerning local authorities. Let us remember that, during the process of building up the present local government service, quite a large share of the functions which local authorities now carry out was introduced by "permissive" legislation—that is to say, local authorities had the option of putting into operation many of the Acts of Parliament dealing with such questions as notifiable diseases, etc. Now the position is changed. New duties and responsibilities are being put upon local authorities each session, and so complex and intricate is the administration of those functions that the elected members of councils have to rely more and more upon a trained and skilled permanent staff personnel.

Since the war, legislation affecting local government has been phenomenally heavy. From 1920 to 1934, 154 public Acts of Parliament were passed which contained provisions affecting local authorities or their officers.

Moreover it is impossible to put into an Act of Parliament all the administrative details that are necessary when such great changes are being made as those embodied in the Rating and Valuation Act, 1925, or the Local Government Act, 1929. There is probably more work put upon local authorities by Orders and Regulations than by the original Acts themselves. From 1920 to 1933, in addition to the Acts previously mentioned, there have been issued over 1,800 Statutory Rules, Orders and Regulations, Circulars, Memoranda, Orders in Council, Treasury Minutes, Schemes, Instructions, and Leaflets. Some idea of the number of documents of this kind may be obtained from a glance at a volume published annually of statutory orders, forms, cases, and decisions of the Ministry of Health. For the thirteen years referred to, this volume constitutes a grand total of no less than 9,499 pages, each page approximating in size to a page of this volume.

## II

But let us look more closely into the construction of a local authority. The governing body is the Council, elected by the votes of the rate-payers. It is upon the Council that the responsibility for "policy" rests, and upon the executive falls the burden of administration. The

usual procedure is for the Council, immediately after election, to divide itself into a number of standing committees, each undertaking a section of the administrative functions. The number varies according to the size of the local authority, and the chairman of each committee is the mouthpiece for his particular department; he will present the report of his committee to the Council; he will father the responsibilities of the work of the department; and he is the man who, generally speaking, meets the public. The councillor—county, borough, or district—may be said “to have no individual or separate existence other than as a constituent part or unit of the corporate body to which he belongs.” He “pulls his weight” by speaking and voting in Council or committee, but as an individual he can give no instructions to any official of the local authority; nor is he entitled to visit and inspect any institution, building, or work of or belonging to the authority, save under and in pursuance of a direction or permission from the authority. This observation is true even in reference to the chairman of the committee having charge of any such institution, building, or work, and the officer in charge would not be acting unlawfully if he refused to admit the chairman or councillor, or to take any directions relating to his work from either the chairman or an individual member of the committee. In practice, of course, it is fully recognized that the chairman of any such committee, acting in accordance with the presumed wishes of the committee, may make suggestions and even give directions to the officer in charge; and admittedly the road to efficiency of management and control lies along the line of whole-hearted co-operation between the chairman of a particular committee and the Council’s officers responsible for the work of that committee. But this fact, and the amicable relations generally existing between chairmen of committees and the officers concerned, does not alter the legal position above indicated. An officer in control of any institution or work would obviously be acting very unwisely were he to refuse facilities to the ordinary councillor desiring, it may be, to become fully conversant with the institutions and works of the Council on which he serves. Nevertheless, there may be times and occasions when an officer is justified in refusing facilities for the inspection of any such institution or work under his control. Instances are not altogether unknown of a “prying” councillor, or one with a bias, or pursuing a vendetta against an officer, seeking material for his “indirect” purposes through visits to the Council’s institutions or works. This type of councillor, fortunately, is rare, but where he is

found, the responsible officer for any institution or works of the Council which the "prying" councillor seeks to visit and inspect is fully justified in refusing him the facilities sought for save under and in pursuance of instructions from the Council or the appropriate committee.

At times the town clerk or clerk to the local authority is approached by an individual councillor with a request for a legal opinion on some particular point or points he desires to submit or press on the Council. Here, again, the councillor meets the limitations of his position as being merely a constituent part of a corporate body. He cannot require the clerk to advise him on any point of law; nor can he require the clerk to draft a proposed motion or amendment to any motion which such councillor may desire to place before the Council. But again we must balance the purely legal aspect of the matter by saying that in practice the clerk in fact readily gives advice to the individual councillor and puts into proper shape his draft notices of motion and amendments to motions coming before the Council.\* This very clear division of the functions of the elected representative and of the permanent official is a great asset to local government.

Whilst it is true that a local authority cannot undertake any functions for which it has not statutory authority, there is very little central supervision over the appointment of staff. Such a statement may give the impression that the systems of recruitment, promotion, and training of local government officers lack uniformity, but that would hardly be correct. Whilst the building up of our local government machine as it works to-day has been done by piecemeal legislation, the voluntary adoption by local authorities of similar standards of qualifications and methods of appointment has created a substantial measure of uniformity.

Two essential principles recognized by all local authorities together make for the soundness of local administration; the first is that positions in local government are regarded as "careers," and appointments are considered to be for a lifetime. The second is the absence from such appointments of influences associated with political interests. The local government officer who carries out his responsibilities to the best of his abilities and recognizes that he is a servant of the local authority is never influenced or affected by changes in the political colour of the local governing body. Only a few—the heads of departments and their deputies—come into close contact with the elected

\* *Justice of the Peace*, December 6, 1930.

representatives of the Council. The majority of the staff are not even concerned with the changes that take place at municipal elections. A local government officer may during a long official career have worked under many mayors of all political leanings, and have seen many changes in the Council, and yet he may retire at the end of his official life highly respected by all parties and the public in general.

Testimony of a reciprocal relationship has just been given by the London Labour Party, for in a memorandum which it issued on November 2, 1934, to the Labour members of Councils in London the following advice is given:

“The relationship of members of the Council with Officers (including Chief Officers), staff, and employees, in connection with the Council’s business should be one of mutual respect but not of personal intimacy. Every municipal officer has his defined executive responsibilities; members of the Council have theirs, and they are *collectively* (not individually) supreme in the control of the Council. For these respective responsibilities there should be mutual respect, but the relationship should be on a strictly business footing. . . .”

The smaller authorities have only a few full-time officers, but some of the city, town, and county councils employ large numbers. Within each authority the work is divided amongst a number of departments. The number varies according to the size of the authority, and usually corresponds to the number of committees referred to previously, but the range of functions of each department is not uniform throughout the service. Some idea of these variations can be obtained by a glance at the analytic table on the next page.

The head of the department is responsible for making his reports, giving his advice to his committee, and very often, except for the legal matters with which the town clerk deals and the financial matters with which the borough treasurer deals, he is the sole adviser of the committee. It is because of this system that heads of departments hold professional or technical qualifications, and are not appointed as administrators like heads of civil service departments. They have, of course, to gain a considerable amount of administrative ability to hold their positions effectively, but this they usually get by experience.

There are men of important standing in our public life who believe that the appointment of professional and technical officers as the

## ANALYSIS OF DEPARTMENTS \*

Lancashire C.C. Population 1,809,120	Manchester C.B. Population 730,307	Hampstead M.B. Population 86,153	Keighley B. Population 41,942	Barton-upon- Irwell R.D.C. Population 10,110
Clerk's Public Assistance	Clerk's Public Assistance	Clerk's	Clerk's	Clerk's
—	Stationery	—	—	—
—	Court of Record	—	—	—
Treasurer's	Treasurer's	Treasurer's	Treasurer's	Treasurer's
—	Rating and Valua- tion	—	—	—
Health	Health	Health	Health	Health
Tuberculosis	—	—	—	—
Education	Education	—	Education	—
—	Libraries	Libraries	Libraries	—
—	Art Gallery	—	Museum	—
—	Engineer's	Engineer's	Engineer's	—
Surveyor's	Surveyor's	—	—	Surveyor's
—	Estates	—	—	—
Architect's	Architect's	—	Architect's	—
—	Cleansing	—	—	Sanitary
—	Buildings	—	—	—
—	Rivers	—	—	—
—	Baths	Baths	Baths	—
Agricultural	—	—	—	—
—	Gas	—	Gas	—
—	Electricity	Electricity	Electricity	—
—	Water	—	Water	—
—	Transport	—	Transport	—
—	Watch	—	—	—
—	—	—	Fire Brigade	—
—	Market	—	—	—
—	Weights and Measures	—	—	—
—	Parks and Ceme- teries	Cemetery	Parks, Cemeteries, and Allotments	—

\* Memorandum of Evidence given by the National Association of Local Government Officers to the Departmental Committee on the Qualifications, Recruitment, Training, and Promotion of Local Government Officers—Appendix B.

heads of local government departments is wrong, and that efficiency would be improved if the practice of the civil service were followed.

"As I understand the proposal, it would involve, in its complete and logical form, a sort of burgomaster in charge of all the local offices, and a lay administrator at the head of each of these, who might, for instance, be promoted or transferred as opportunity arose from the charge of libraries, public parks, etc., to the control of public works, finance, education, public health, and so on. I think the promoters of this idea have been misled, partly by the malign influence of bad appointments in the local government service, and partly by the comparative efficiency of our civil service. On the former point I shall have more to say when I come to deal with appointments. As regards the civil service, the comparison is not strictly valid. Technical officers in the civil service—at least those with professional qualifications—are largely engaged in the pursuit and collation of knowledge and its dissemination, the giving of advice on technical questions, and, if necessary, criticism of the actions of others. Broadly speaking, they have not, as a rule, executive functions. They have not, to anything like the same extent as local government officers, to apply their special knowledge from day to day to individual case-problems, in intimate relationship with a critical public, and with one eye bent upon an Act of Parliament. In my experience, when central government does encroach on this field of activity, it is not as efficient as local departments. Nevertheless, and while it would be a mistake to assume that the best use even now is made of professional officers in the civil service, it works. In local government, however, what does administration mean? If it means merely business management, the handling of correspondence, and its filing, methods of ensuring that the staff turn up in time and do their work assiduously, in fact all that is covered by the term 'secretarial work'; and if to this all that requires to be added is a close scrutiny and supervision of expenditure, there is little to be said in preference of the technician as a principal officer. But administration by the head of a local department means far more than this. It involves the application of scientific knowledge to the practical routine work of improving amenities, removing the inconveniences and alleviating the sufferings to which the local community is exposed, and generally broadening the life of the people. It means the day to day supervision of technically qualified assistants carrying out such duties. It means the transmission of the collective experience of a department engaged in such technical functions to those who determine policy, and, on the reverse side, the application of such policy to the technical operations of the department. I submit that these are functions of a technical

officer, and cannot be exercised with equal efficiency by any other. The other system has been tried extensively in public health departments of the United States of America and is slowly being superseded by one resembling our own.”\*

On the other hand, it is interesting to see what the “Hadow” Committee says on this point. “On the whole we are not prepared to say at present that any radical change in the existing system of appointing technically qualified officers to the principal positions . . . is desirable or practicable. We suggest, however, that the larger local authorities should not always take it for granted that the principal officers must necessarily be technically qualified (except, of course, where the qualification is required by law) or that officers well qualified technically are equally capable in administration. We are of opinion that in the past local authorities have not laid sufficient stress on the administrative qualifications. They should go carefully into the administrative record of candidates for major appointments, and they should arrange that junior professional and technical officers have reasonable opportunities of developing administrative ability. This is worth some inconvenience. A chief officer who has been trained to look all round every question that arises is likely to run a department at substantially less cost than one whose main concern has always been with purely technical issues.”†

In practically every local authority the head of a department holds a professional, academic, or technical qualification, and many assistants hold similar examination certificates. The general statement on the next page will be sufficient to explain this point without going into elaborate details of the work of each officer:‡

Under the smaller authorities the work is grouped into not more than three or four departments, especially where the local authority does not conduct such trading activities as transport, gas, water, and electricity. Sometimes this limitation of the number of departments adds to the variety of the work coming within the experience of those employed, while sometimes the work in departments of large authorities tends to be sectionalized.

A word or two on the method of recruiting the staffs of local

\* Professor R. F. M. Picken in *Public Administration*, July 1934, pp. 224, 225.

† *Report of the Departmental Committee on the Qualifications, Recruitment, Training, and Promotion of Local Government Officers*, p. 34, para. 105.

‡ *Memorandum of Evidence given by the National Association of Local Government Officers to the Departmental Committee on the Qualifications, Recruitment, Training, and Promotion of Local Government Officers*.

## CLASSES OF OFFICERS

Department	Professional and Technical	Administrative and Clerical
Town Clerk or Clerk	Town Clerk or Clerk to the Council Deputy Assistant Solicitors	Law clerks Committee clerks Administrative assistants Licensing clerks Registrations clerks Shorthand-typists
Treasurer or Accountant	Treasurer or Accountant Deputy Accountants	Cashiers Bookkeepers Rental clerks Audit clerks Rate Collectors General clerks Shorthand-typists
Public Health	Medical Officer of Health Deputy Assistant Medical Officers Analysts Sanitary Inspectors Health Visitors Nurses	General clerks Shorthand-typists
Education	Director of Education Deputy or Secretary for Education School Medical Officers School Dentists Inspectors	Administrative and general assistants Clerks School Attendance Officers Shorthand-typists
Engineer and Surveyor	Engineer and Surveyor Deputy Highway Surveyors Building Surveyors Assistant Engineers Architects Town Planning Assistants	Administrative and general assistants Clerks Tracers Shorthand-typists
Public Assistance	Public Assistance Officer Deputy Clerks to Guardians Committees Medical Superintendents Institutional and District Medical Officers	Masters and Matrons Stewards Vaccination Officers Industrial Trainers Relieving Officers Nurses Administrative and general assistants Shorthand-typists

CLASSES OF OFFICERS—*Continued*

Department	Professional and Technical	Administrative and Clerical
Cleansing and Lighting	Superintendent Deputy Engineer	Administrative and general assistants Clerks Shorthand-typists
Libraries	Librarian Deputy	Assistants General clerks Shorthand-typists
Electricity	Engineer and Manager Deputy Assistant Engineers Station Superintendents Mains Engineers Engineers-in-charge	Administrative and general assistants Clerks Statistical clerks Sales and Showrooms attendants Shorthand-typists
Gas	Engineer and Manager Deputy Assistant Engineers Chemists	Administrative and general assistants Shorthand-typists Statistical clerks Inspectors of Meters Sales and Showrooms attendants
Water	Engineer and Manager Deputy Reservoir Engineers	Administrative and general assistants Shorthand-typists
Transport	General Manager Engineers Technical Assistants	Superintendent Administrative and general assistants Statistical clerks Inspectors Cashiers Shorthand-typists
Parks and Cemeteries	Superintendent Deputy	Clerks Shorthand-typists
Museums and Art Galleries	Curator	Assistants
Weights and Measures	Superintendent Deputy	Inspectors Assistants Clerks Shorthand-typists
Markets	Superintendent Deputy	Inspectors Assistants Clerks Shorthand-typists

authorities may not be out of place. It is safe to assume that every local authority (with the exception of those whose administrative offices are placed in the centre of the county of London) selects its junior entrants from within its own area and usually the announcement of vacancies is made by advertisement in the local newspapers.

Some of the larger local authorities hold special entrance examinations, but generally speaking the matriculation or school-leaving certificate, good address, and a satisfactory interview are preliminaries to appointment. The Manchester City Council, for example, holds public examinations as often as may be necessary for junior positions in the corporation service. From the list of successful candidates each employing committee fills the vacancies in its own department. In some cases the principal officers have an arrangement with the juvenile employment departments, or with the headmasters and mistresses of secondary schools, whereby suitable candidates are supplied for interview when a vacancy for a junior occurs.

Probably 90 per cent of the staffs of local authorities are recruited as juniors at fifteen to eighteen years of age; and from this great reservoir the majority of heads of departments, their deputies, and assistants are trained. There are a few instances where the training for the technical or professional qualifications makes it impossible to enter the service until later. The medical officer of health, who is the chief officer of the public health department, and his medical assistants must, of course, get their professional qualifications before entering the service; and health visitors have to obtain their nursing experience in hospitals. In all other departments it is possible to obtain the professional qualification whilst in the service.

### III

One great asset in local government training is the "open competition" in the filling of a large number of the principal positions as well as those of deputies and chief assistants. There is considerable movement from authority to authority by means of this competition, and it is invaluable to an officer to obtain a position of responsibility before reaching the age of, say, thirty.

There is nothing much more exciting than drudgery for those who enter the service solely for the security it offers; on the other hand, there is no occupation which gives more scope for those qualities

which make work something more than the means of earning a living. There are few occupations where continuous study is more essential to success than in the local government service.

During the period under review, we find that, whilst a few enactments have made the appointment of certain officers compulsory, the building up of the staff personnel of local government has been left to the local authorities, which, in the main, have complete autonomy in this respect.

The clerk or town clerk has always been the king-pin in the staffing of local authorities. If we start with the provision in the Municipal Corporations Act, 1835, we find what may appear to-day to be a rather curious provision:

“Provided always, and be it enacted, That in any Borough in which there shall be no Town Clerk, or in which the Town Clerk shall be dead or incapable of acting, all Matters by this Act required to be done by and with regard to the Town Clerk, shall be done by and with regard to the Person executing Duties in such Borough similar to those of Town Clerk, and if there be no such Person, or if such Person be dead or incapable of acting, then by and with regard to such fit Person as the Mayor of such Borough shall appoint in that behalf; . . .”

The Act also provided, in Section 58:

“That the Council of every Borough on the Ninth day of November in this present year, shall appoint a fit Person, not being a Member of the Council, to be the Town Clerk of such Borough, who shall hold his Office during Pleasure, and in any Borough may be an Attorney of One of His Majesty’s Superior Courts at Westminster, any Law, Statute, Charter, or Usage to the contrary notwithstanding . . . and shall take such Security for the due Execution of his Office by any such Town Clerk . . . as the said Council shall think proper; and shall order to be paid to the . . . Town Clerk . . . such salary or Allowance as the said Council shall think reasonable.”

The section also provided for the appointment of another fit person, not being a member of the Council and not being the town clerk, to be the treasurer of the borough on similar terms and conditions as those applying to the town clerk. It was a fairly common practice

to appoint a bank manager to hold this position, and there may be some still in existence. Further provision was made, by the same section, for the Council to appoint "such other Officers as have been usually appointed in such Borough, or as they shall think necessary for enabling them to carry into execution the various Powers and Duties vested in them by virtue of this Act. . . ." Here, again, the payment of salary was to be determined by the Council and the officers were to hold office "during Pleasure."

Subsequent Acts amending the Municipal Corporations Act, 1835, have merely reiterated these provisions, but from time to time measures have been placed upon the Statute Book which contain special provisions as to the appointment of certain officers. It is not necessary or desirable to give here the whole story of these appointments, but, apart from officers under metropolitan authorities, of whom special mention will be made later on, the main provisions relating to these appointments, until the passing of the Local Government Act, 1933, were contained in the Public Health Act, 1875, and the Local Government Act, 1894. Section 189 of the 1875 Act provided for the appointment of the medical officer of health, inspector of nuisances, surveyor, clerk and treasurer to every urban authority, and also for the appointment or employment of such assistants, collectors, and other officers and servants necessary for the execution of the provisions of the Act. The local authority was also empowered to make such regulations with respect to the duties and conduct of the officers and servants so appointed or employed. There was a proviso that, in the case of officers any portion of whose salaries were paid by Parliament, the Local Government Board should have certain powers, but, otherwise, the local authorities could pay such salaries as they thought fit and they could terminate an appointment "at their pleasure."

Section 190 related to the appointment of officers and servants of rural authorities and was, in many respects, comparable with the provisions relating to the appointment of officers of urban authorities. Part of this section was repealed by the Local Government Act, 1929.

Section 17 of the Local Government Act, 1894, related to the appointment of officers of parish councils, and the provisions of this section were, so far as they were applicable, comparable with the previous provisions referred to. Section 5 (1) of this Act conferred upon the parish council the right of appointing and revoking the appointment of an assistant overseer, but, under the Local Government Act, 1929, the power of appointing assistant overseers was

transferred to the county and the county borough councils, and thus it would seem that the parish councils have now no power equivalent to that of dismissing at pleasure.

The Weights and Measures Act, 1904, enacts that the Board of Trade shall provide for the holding of examinations for the purpose of ascertaining whether applicants for the post of inspector under a local authority nominated by that authority possess sufficient practical knowledge for the proper performance of the duties of inspectors of weights and measures, and for the grant of certificates to persons who satisfactorily pass such examinations. It further provides that a person shall not be appointed as an inspector of weights and measures unless he has obtained such certificate. If a person not being an inspector duly appointed under the Weights and Measures Acts acts as such inspector, he shall be liable to a fine not exceeding £10, or in the case of a second or subsequent offence £20.

According to Section 17 (2) of the Ministry of Transport Act, 1919, the approval of the Minister of Transport is required in certain cases to the appointment, retention, or dismissal of a surveyor or engineer.

Under Section 55 of the Rating and Valuation Act, 1925, it is lawful for rating authorities, assessment committees, and county valuation committees to appoint for the purposes of the Act such rating officers, valuation officers, and other officers as they think fit and to pay any officers so appointed such reasonable salaries as they think fit, but no mention is made of tenure of office or power of dismissal.

The Poor Law Act, 1930, Section 10, provides that the Minister of Health may, by order, direct the Council of any county or county borough or any two or more such Councils whose areas he may by the order declare to be united for the purpose only of appointing and paying officers, to appoint such paid officers, with such qualifications as the Minister may think necessary for superintending or assisting in the administration of the relief of the poor in the county or county borough or united areas and for otherwise carrying out the provisions of the Act. The salaries of such officers shall be paid by the Council of the county or county borough, or by the Councils of the united areas, as the case may be, in the manner and proportions fixed by the Minister.

The Minister may define the duties to be performed by officers concerned with the relief of the poor and the limits within which such officers are to act in the performance of their duties and direct the mode of appointment and determine the continuance in office or

dismissal of such officers. Furthermore, the Minister may, if he thinks fit, regulate the amount of their salaries and the time and mode of the payment thereof.

Section 83 of the Local Government Act, 1888, required the clerk of the peace of a county to be also the clerk of the county council, but this was repealed by section 1 of the Local Government (Clerks) Act, 1931, which provides that the office of clerk of the county council and the office of clerk of the peace of the county shall in every county be distinct and separate offices. Section 3 of that Act provides that every county council shall pay out of the county fund to the clerk of the county council such salary as may from time to time be determined by the county council, subject to the approval of the Minister of Health.

The Local Government Act, 1933, which was a "tidying up" or consolidating measure, with amendments, re-iterated the provisions of previous enactments which have been referred to in the preceding paragraphs, but it further provided, in Part iv, section 121, that, notwithstanding any provision that a person holding any office shall hold the office during the pleasure of a local authority, there may be included in the terms on which he holds the office a provision that the appointment shall not be terminated by either party without giving to the other party such reasonable notice as may be agreed, and where, at the commencement of the Act, an officer of a local authority held office upon terms which purported to include such a provision, that provision, as from the commencement of the Act, shall be deemed to be valid.

This provision relating to tenure of office was the result of the decision in *Brown v. Dagenham U.D.C.\** in which the judgment, delivered on February 22, 1929, broadly decided that, despite sufficient evidence of the existence of a contract for three months' notice to be given on either side, this contract was of no avail, and the clerk might be dismissed by the Council "at their pleasure."

As the vestry boards in London have been abolished, it is not necessary to detail the provisions contained in the Metropolis Management Act of 1855 relating to the appointment of officers of those boards. The Metropolitan Borough Councils were constituted under the provisions of the London Government Act of 1899, which provided, by section 4, for the transfer of the powers and duties of those boards to the borough councils, and stated that "the clerk of the

\* [1929] 1 K.B. 737.

council shall be called the town clerk . . ." and section 30 provided that "Where the powers and duties of any authority are transferred by or under this Act to any borough council, the existing officers of that authority shall be transferred to and become the officers of that council. . . ."

Section 106 of the Public Health (London) Act, 1891, provided for the appointment of medical officers of health, empowered the Local Government Board (now the Ministry of Health) to prescribe the mode of appointment, laid it down that the medical officer of health was to reside within the district of the sanitary authority, or within one mile of the boundary of that district, and stated that his annual report was to be appended to the annual report of the authority.

Section 107 related to the appointment, qualifications, and duties of sanitary inspectors, whilst section 108 conferred upon the Local Government Board the same powers as it had in the case of a district medical officer of health of a poor law union with regard to the qualification, appointment, duties, salary, and tenure of office of every medical officer of health and sanitary inspector.

This last section was applied, by section 7 of the Public Health (Officers) Act, 1921, to the chief or senior sanitary inspectors of metropolitan borough councils and to the medical officers of health and the chief or senior sanitary inspector of the Port of London Authority. The Local Government Act, 1888, section 83, provided *inter alia* that "The clerk of the peace for the county of London shall be a separate officer from the clerk of the county council for the administrative county of London, and (a) the clerk of the peace shall, subject to the directions of the quarter sessions, have charge of and be responsible for the records and documents of those sessions and of the justices out of session, and the clerk of the county council shall, subject to the directions of the council, have charge of and be responsible for all other documents of the county; and (b) the council may from time to time appoint a deputy clerk of the council, and the foregoing provisions of the section with respect to the deputy clerk shall apply; and (c) the council shall pay to the clerk of the council such salary as may from time to time be fixed by them."

#### IV

Except on superannuation there has been little or no legislation affecting the service conditions of local government officers. Excluding

teachers and police, the administrative, professional, technical, and clerical staffs of local authorities have been appointed and remunerated as each local authority thought fit. There are odd exceptions to this which will be referred to later.

Just one more glance backwards to see how the early local government officers were appointed and paid. The formal phraseology of the Report of the Royal Commission on Municipal Corporations, 1835, is a useful guide for this purpose, but even here one must get behind the prosaic idiom to get a colourful picture of circumstances as they then existed. "The Town Clerk . . . is generally paid by a salary, which in most towns is almost nominal; the real inducement for holding the situation is the legal business, for which he is paid according to the usual scale of professional charges, or the introduction to private practice through his connection with the members of the Corporation. . . . The Chamberlain or Treasurer . . . is sometimes paid by a poundage on the income collected by him, more frequently by a salary, and by the profit on balances left in his hands. In Corporations where his receipts are considerable he is often required to give security. All Corporations have inferior officers, who are almost always freemen under the control of the select body. Many of these officers have no duties to perform and receive neither fees nor salaries; yet the election is annually made, and oaths for the proper fulfilment of their duties are solemnly taken, on the installation of these nominal functionaries. The Corporations entertain doubts, whether they can legally cease to elect officers named in their Charters; and unquestionably a power to dispense with the election of any chartered officers, on a presumption by the Corporation of their inutility, might lead to great abuse. The common council of the City of London, which possesses extraordinary legislative powers, has assumed the authority of abolishing some useless offices, of consolidating others, and attaching new and useful functions to them."\*

The rates of remuneration paid to local government officers have not yet been standardized, but the trend is in that direction. We must, however, see what has been done in this direction, particularly in relation to teachers, police, medical officers of health, and the introduction of Whitleyism for the administrative, professional, technical, and clerical services.

During 1919 Mr. H. A. L. Fisher, then Minister of Education,

\* *Report of the Royal Commission on Municipal Corporations, 1835*, paras. 42, 43, and 87.

formed a standing joint committee "to secure the orderly and progressive solution of the salary problem in public elementary schools by agreement on a national basis and its correlation with a solution of the salary problem in secondary schools." This committee consisted of twenty-two representatives of the local education authorities and twenty-two representative teachers, and was established under the chairmanship of Lord Burnham. The number of representatives has since been raised to twenty-five on each side. The local education authorities' representatives are appointed by the County Councils' Association, the Association of Municipal Corporations, the Association of Education Committees, and the London County Council; the teacher representatives are all appointed by the National Union of Teachers. The committee's decisions are reached by agreement between the panels; where there is disagreement there can be no decision. This committee has formulated scales of salaries for teachers in elementary schools, secondary schools, and technical schools; and the scales have been adopted by the majority of local education authorities.

A committee was set up on March 1, 1919, by the Rt. Hon. Edward Shortt, K.C., M.P., then Home Secretary, "to consider and report whether any and what changes should be made in the method of recruiting for, and conditions of service of, and the rates of pay, pensions, and allowances of the police force in England, Wales, and Scotland." The chairman of this committee was Lord Desborough, and it reported on January 1, 1920. Broadly it recommended that the salaries of constables should commence at £3 10s. per week on appointment and rise to a maximum of £4 15s. per week, and progressive scales were formulated for other sections of the police forces, culminating in salaries varying from £500 to £1,000 per annum for chief constables, according to the population, plus a rent allowance, if a house is not provided.

The only attempt made to regulate salaries of any section of the administrative side of municipal staffs concerns whole-time public health medical officers. This scheme is incorporated in a memorandum (D. 28/1929-30) of recommendations agreed to at a conference held at the Ministry of Health during 1929 at which representatives of the County Councils' Association, the Association of Municipal Corporations, the Urban District Councils' Association, the Rural District Councils' Association, the London County Council, the Association of Education Committees, the Mental Hospitals' Association, the Metropolitan Boroughs' Standing Joint Committee, and the British

Medical Association were present. It provides for salary scales for resident medical officers employed in hospitals, sanatoria, or other institutions, without the responsibility for the work of other medical officers (£350 by £25 to £450); medical officers employed in departments, without the responsibility for the work of other medical officers (£500 by £25 to £700); senior medical officers, not being medical officers of health, in charge of services of departments, i.e. port sanitation, school medical service, tuberculosis, mental deficiency, maternity and child welfare, etc. (£750 to £1,100 according to responsibility and scope of department, regard being had to the salary of the medical officer of health); medical superintendents of institutions other than mental hospitals (£750 in institutions where the number of beds does not exceed 150 to £1,100 where the number of beds exceeds 750); deputy or chief assistant medical officers of health (60 per cent of the appropriate minimum commencing salary of the scale for medical officers of health); medical officers of health (£800 where the population does not exceed 50,000 up to £1,800 where the population exceeds 750,000); assistant medical officers of health to mental hospitals (£350 by £25 to £450 plus emoluments). There are further provisions relating to combined posts, travelling expenses, and an advisory committee, consisting of seventeen representatives, one of whom, who shall act as chairman, is appointed by the Minister of Health and the other sixteen by the various bodies represented at the conference referred to above. The agreement came into force on April 1, 1930, will remain in force for five years, and thereafter from year to year, subject to notice of one year from any of the above-mentioned bodies.

A system of Whitleyism is in operation in each of the four chief trading activities—waterworks, gas, electricity, and tramways. The councils for the waterworks and gas industry were set up in the early part of 1919; the Electricity Supply Industry Joint Industrial Council held its first meeting on May 8, 1919; and the Tramway Industry Joint Industrial Council met for the first time on September 5, 1919.

In addition to these, the remaining manual occupations with which modern local authorities have to deal were grouped under two national councils, the Local Authorities' Non-Trading Services (Manual Workers) J.I.C. for England and Wales and the Local Authorities' Non-Trading Services (Manual Workers) J.I.C. for Scotland. Although the Council for England and Wales was founded early in 1919, it was not until October 29, 1920, that the Scottish Council held its first

meeting. This Council has since disbanded; and the Council for England and Wales during 1932 covered only a little more than one-half of the authorities concerned.\*

An attempt was made during 1919 to apply the principles of Whitleyism to the administrative, professional, technical, and clerical staffs of local authorities, but the life of the national council was of short duration. This council consisted of representatives of the employers' associations on the one side and the staff organizations on the other; each side appointing a total of twenty-four representatives, and each association appointed its quota of representatives according to the ratio of its membership to the total membership of all the associations on its particular side. During the period of its existence it provided ample guidance for the service by

- (a) Drafting and issuing model constitutions for provincial councils and prescribing sixteen areas in England and Wales within which they should operate;
- (b) Drafting constitutions for local joint committees and providing the service with a complete scheme for the operation of Whitleyism in national, provincial, and local spheres;
- (c) Taking active steps towards the formation of provincial councils;
- (d) Publishing to all local authorities in the country a national minimum scale of salaries and recommendations as to service conditions.

Of the original provincial Councils formed, there are now four functioning, and they cover (a) Lancashire and Cheshire; (b) North Wales; (c) West Riding of Yorkshire; and (d) London. The London Council represents 16 of the Metropolitan boroughs; the Lancashire and Cheshire Council represents 2 county councils, 16 county borough councils, 25 borough councils, 83 urban district councils, and 8 rural district councils; the West Riding of Yorkshire Council represents 7 county borough councils, 7 borough councils, 67 urban district councils, and 30 rural district councils; whilst the North Wales Council represents 1 county council, 3 borough councils, 5 urban district councils, and 1 rural district council.

It is interesting to note that these councils cover one-seventh of the area and one-third of the population of England and Wales.

\* Quoted from *The Whitley Councils' Scheme*, by J. B. Seymour, pp. 24-26.

They also send representatives to a Standing Conference of Joint Councils, which attempts a national co-ordination of effort and pooling of experience.

It is not often realized that the local government service needs Whitleyism more than industry to establish full confidence between employers and employees, and to attain the highest standard of efficiency in local public administration with the ultimate object of conferring the best service to the community which both parties serve. This may sound strange when it is remembered that, so far as the administrative, professional, technical, and clerical staffs of local authorities are concerned, there is no record of the settlement of differences by what may be termed a "trial of strength between employer and employee." Neither is there any means of assessing success by the industrial or commercial formulae of profit and loss. But the absence of those two factors does not mean that there cannot be wastage by misunderstanding and a wrong measurement of work values.

So far as the legal position of that "trial of strength between employer and employee" is concerned, section 4 of the Conspiracy and Protection of Property Act, 1875, provides that where a person employed by a municipal authority which are gas and water undertakers for any city, borough, town, or place wilfully and maliciously breaks a contract of service with that authority, knowing or having reasonable cause to believe that the probable consequence of his so doing, either alone or in combination with others, will be to deprive the inhabitants of that city, borough, town or place wholly or to a great extent of the supply of gas or water, he shall, on conviction by a court of summary jurisdiction or on indictment, be liable to pay a penalty not exceeding £20 or to imprisonment for a term not exceeding three months, with or without hard labour.

Section 31 of the Electricity Supply Act, 1919, extends the provisions of the above section to persons employed by a joint electricity authority or by any authorized undertakers. Under this Act "authorized undertakers" include a local authority or a combination of local authorities or a joint electricity authority. It is further provided by section 5 of the Act of 1875 that where a person wilfully and maliciously breaks a contract of service or of hiring, knowing or having reasonable cause to believe that the probable consequence of his so doing, either alone or in combination with others, will be to endanger human life or cause serious bodily injury or to expose valuable property, whether real or

personal, to destruction or serious injury, he shall be liable to similar penalties as those contained in section 4.

Section 5 must now be read, together with section 6 (4) of the Trade Disputes and Trade Unions Act, 1927, by which it is provided that "If a person employed by a local or other public authority wilfully breaks a contract of service with that authority, knowing or having reasonable cause to believe that the probable consequence of his so doing, either alone or in combination with others, will be to cause injury or danger or grave inconvenience to the community, he shall be liable, on summary conviction, to a fine not exceeding ten pounds or to imprisonment for a term not exceeding three months."

Also there are certain local government officers upon whom statutory duties are imposed who would be thereby prohibited from participating in any strike, viz. relieving officers and masters of public assistance institutions.

It is further provided by section 1 of the Trade Disputes and Trade Unions Act, 1927, that any strike is illegal if it (*a*) has any object other than or in addition to the furtherance of a trade dispute within the trade or industry in which the strikers are engaged; and (*b*) is a strike designed or calculated to coerce the Government either directly or by inflicting hardship upon the community. It would, therefore, be illegal for local government officers to take part in any general strike. Apart from this, there is nothing necessarily illegal in a strike or in the authorization of a strike, or in the undertaking of the management or direction of a strike, but a strike may become illegal if it is attended with circumstances such as a breach of contract or intimidation, which make it illegal. For instance, a local government officer who by the terms of his employment is required to give one month's notice could be sued for damages for breach of contract if he were to cease work without having given the proper notice.

It is the absence of a detached balance of judgment as to what is the value of a local government officer's services which demands Whitleyism. It has been tried with great success in the civil service and for several groups of local government officers. In the past the complete autonomy which the local authorities enjoyed in the fixation of salaries, service conditions, and so on necessarily meant that there were great variations between town and town. Generally speaking, most of them took a parochial outlook, and another important influence must have been the type of town, i.e. a port, seaside town, inland holiday resort, or industrial town.

The employers of local government officers are the mayors, aldermen, and councillors of local authorities and for some time the value of the work of the paid staff was assessed from the knowledge which the employers had gained in their own private and industrial occupations. Again, many present-day departments of considerable size and importance started under quite different and modest conditions. For instance, the West Sussex county surveyor's office was, in 1891, "at 4 Queen's Square (Bognor), consisted of two bedrooms, one a very small one for the County Surveyor, and the other slightly larger for the assistant and clerk. . . . After a few months' service I decided to 'touch' the County Surveyor for a 'rise,' and got another 5s., bringing my salary up to £2 per week. After another few months I again approached him, when he made a proposal to me. Why not dispense with the clerk, do all the clerical work between us, and as a result I might be 5s. per week better off. This I agreed to, and the County Surveyor's headquarters staff consisted of "im and me"! This of course meant longer hours for both of us. They averaged eleven per day and eight on Saturdays. The boss wrote all his letters, reports, etc., and I did all the accounts, pay-sheets, etc."\*

After a time it became a common practice to take into consideration what salaries were being paid by towns of a similar size. This, of course, related only to the higher posts. As regards the remuneration of the general body of staff, it was not until the influence of organization entered into local government that any attempt was made to get scales of salaries drawn up that were in any way comparable. Even now they vary tremendously according to the district.

A number of sectional and professional societies of local government officers have adopted scales of salaries for the guidance of local authorities, and one of the greatest difficulties in getting separate scales adopted for each sectional and professional officer is the common practice of local authorities to pay principal officers' salaries in relation one to another. Although the present practice is becoming more general of paying an inclusive salary, there are still certain legislative provisions which provide for fees to be paid to chief officers for special services imposed upon them by those enactments. These include the Representation of the People Act, 1918; the Land Charges Act, 1925; and where the town clerk acts as clerk of the peace (in boroughs); clerk to the assessment committee (in London); returning officer for borough council elections; the clerk of the county council as returning officer

\* *Reminiscences of a Highway Surveyor, 1896-1932*, by H. T. Chapman, p. 17.

for county council elections; where a clerk of a council acts as clerk to the registration area under the Local Government Act, 1929; and where the clerk performs duties under the provisions of section 92 of the Housing Act, 1925; and the Small Dwellings Acquisition Acts. In addition to these, the clerk of the council may have paid to him fees for legal work of a special character; and he and certain other chief officers, such as the treasurer and engineer, may accept fees from articled pupils. There is at last emerging a growing opinion that the remuneration of all local government officers should be related to the national importance of their responsibilities. The increasing complexity of local public administration is calling for a more widespread recognition that upon the efficiency of a specially trained staff rests profound responsibilities, touching at every point the social welfare of the community and that that work has a national value unrelated to conditions of employment in other walks of life. There should be some comparability as regards remuneration, in no matter what town the work may be performed.

This view has already been officially accepted by the Ministry of Health, which has also endorsed a view expressed by the Royal Commission on Local Government that public discussion of salaries and promotion of individual officers should be minimized. In the eleventh annual report of the Minister of Health, it is stated:

"In their Final Report, the Royal Commission on Local Government made the following recommendation (page 160)—'It would be desirable for local authorities to consider by what procedure the publicity given to invidious discussions of personalities in connection with questions relating to salaries and promotions of individual officers might be minimized.' They also state (page 148)—'We are impressed by the fact that this question has been raised not only by representatives of local government officers, but by representatives of local authorities who, without any desire to limit proper public discussion of the expenditure of public money on salaries, strongly deprecate public debate upon the salary and promotion of individual officers. It is clear that the publicity given to invidious discussions of personalities may have very detrimental effects upon the service, and it would be desirable for local authorities to consider by what procedure this might be minimized.'

"The Minister takes this opportunity of bringing this recom-

mendation to the notice of all local authorities. The work of local authorities, whether regarded from the point of view of money or from that of the well-being of the community, is now so important as to make it increasingly necessary to attract to it the ablest men. This will not be achieved if there is to be public debate on the salaries to be paid to particular officers. No one likes to have the question of his remuneration bandied about in public debate, and men who should be drawn into the service may refrain from entering it if they are to be subjected to this disability.

"The Minister therefore urges every local authority to follow the recommendation of the Royal Commission, which they can do without in the slightest degree relaxing control."

This report also stated, at page 136:

"In this connexion, the Minister would also press on local authorities that, instead of considering increase of salaries in each individual case (other than in exceptional circumstances), they should adopt definite scales, the whole staff being organized in appropriate classes. This is usually far the better plan; the whole field of the local authorities' service can then be more fully surveyed, with periodical review as may be necessary, and the work is likely to be better organized."

The Hadow Report endorsed this view of the Minister of Health. It stated (paragraph 108):

"We strongly endorse the Minister's recommendation, and we urge every local authority in whose office no scheme of grading has been instituted to give the matter immediate attention. Definite prospects cannot fail to have a beneficial effect on recruitment; while in the absence of fixed scales there is a risk that the members of local authorities will be exposed to pressure to increase the salaries of individual officers. Local authorities will find, moreover, that a scheme of grading facilitates systematic arrangements for training and promotion. Only where scales are general can the staff be readily interchangeable."\*

\* *Report of the Departmental Committee on the Qualifications, Recruitment, Training, and Promotion of Local Government Officers.*

The departmental committee's report went even further than the Minister of Health's recommendation, for it stated (paragraph 110):

"We should like to see broadly similar staff grades in force throughout the local government service. This would knit the service together in a way calculated to increase its attractiveness to recruits, and to facilitate the movement of officers between authorities. We recognize that there must be local variations due to the different sizes and functions of local authorities, but apart from this difficulty, we see no reason why the grades of different authorities should not, at any rate, be comparable. This has already been achieved to some extent, especially in the areas of the three Provincial Whitley Councils."\*

In support of the claim that public administration has its own value, it may be helpful to quote here a relevant paragraph from the report of the "Anderson" Committee in 1923:

"On the one hand the State should hold the scales even between its own servants and those through whose enterprise its servants are paid. On the other hand, employees of the Crown would have a real ground for complaint if their pay were related to wages in industry only in the time of low wages. If they do not get pay relative to the boom, they must be spared the severity of the slump."†

The above paragraph is quoted on the assumption that the principle is of equal importance to local government as to central government.

An analysis was recently made of the percentage distribution of local government officers' salaries for the year 1914 and from 1920 to 1932. It is so illuminating that it is quoted below (see p. 136).

The public services, including local government, have been affected by two national events of first-class importance. The first was concerned with the violent changes in the cost of living brought about by the Great War, 1914-18, when a national effort was made to adjust salaries by the adoption of war bonuses. Here and there local authorities, perhaps those in closer touch with the rapidly rising standard of wartime wages in industry, gave small percentage increases to their officers, but it was not until the beginning of 1918, immediately after

\* *Report of the Departmental Committee on the Qualifications, Recruitment, Training, and Promotion of Local Government Officers.*

† *Report of Committee on Pay, etc., of State Servants*, para. 6, p. 7.

## PERCENTAGE DISTRIBUTION OF LOCAL GOVERNMENT OFFICERS' SALARIES

the Conciliation and Arbitration Board had granted an award to civil servants, that any central action could be taken. On December 11, 1918, the Local Government Board circularized all local authorities advocating the adoption of the civil service scale, and this action reconciled many local authorities to the individual efforts which had previously been made. Meantime, however, a new award was being considered by the Conciliation and Arbitration Board for civil servants. This award, number 84, took effect on April 1, 1919, and it acted as a merger for all previous awards issued under various dates. Finally, award 101 was issued, increasing the percentage addition of salary from twenty to thirty, and increasing the maximum bonus to £500 for men and £300 for women. The Ministry of Health, which had by this time superseded the Local Government Board, issued circulars to local authorities during May 1919 and January 1920. The latter circular authorized local authorities to apply any future awards which might be given by the Conciliation and Arbitration Board. The Secretary of State for Scotland also took action in connection with the Scottish local authorities.

Although there was necessarily a time-lag between the awards of the Conciliation and Arbitration Board and their adoption by the individual local authorities, the final position was that nearly 580 local authorities adopted award 84 or its equivalent; 160 adopted award 101; 25 arbitration cases were taken and won for the officers; the Ministry of Labour rendered assistance to the officers in 46 cases, and the Ministry of Health in 15 instances.

The second occurred during the latter part of August 1931, when a political and economic crisis fell upon the country and events moved rapidly, including the formation of a "National" Government in place of the Labour Government. The temporary National Government announced its intention of asking for an equality of sacrifice on the part of everybody, and took immediate steps to pass legislation enforcing percentage reductions in the salaries of Ministers, Members of Parliament, Judges, civil servants, teachers, police, and members of the defence services. A summary of the Government's proposals was issued as a White Paper—a "Memorandum on the Measures proposed by His Majesty's Government to secure Reductions in National Expenditure" (Cmd. 3952)—which was presented to Parliament by the Financial Secretary to the Treasury.

The methods of determining the rates of remuneration of the various sections of the public services have already been outlined,

and it was comparatively simple to force uniform percentage deductions from those sections of the public service whose salaries were regulated on a national basis. It is only fair to point out that whilst the basic standards of remuneration of those sections of the public service mentioned above had remained generally unchanged up to 1931, for several years previous many local authorities, again due to the fact that they were influenced by local industrial conditions, had withheld increases which under normal conditions would have been expected and granted; advertised appointments at lower salaries; left vacancies unfilled; and, in some cases, recast the salary scales which had been based upon a higher cost of living figure. One or two authorities even went so far as to terminate appointments on the ground of national economy.

Full recognition of these points was given in a circular letter, number 1222, issued to local authorities by the Minister of Health on September 11, 1931. The circular directed the attention of local authorities to the necessity for a reduction of local expenditure generally and with regard to the question whether any reduction should be made in the remuneration of employees of local authorities, the circular stated:

"It will be within the knowledge of authorities that H.M. Government have felt themselves compelled by the exigencies of the situation to impose percentage reductions on the higher grades of salaries in the service of the Crown, leaving the lower grades of salaries to the unrestricted operation of the cost of living bonus arrangements. Reductions are also being made in the emoluments of classes of local officers of services which are the subject of percentage grants from the Exchequer and in the remuneration of doctors and chemists under the National Health Insurance scheme. The conditions of the local government service and the ranges of salary vary so materially that H.M. Government do not think it practicable even if it were desirable for them to impose any hard and fast rule on local authorities in this matter. But they are confident that officers of the local government service not affected by the reductions in emoluments above referred to will be prepared to make their contribution in the present emergency, and they think that each local authority should discuss the situation with its officers with the object of ensuring that all may have an opportunity of sharing equitably in the sacrifices demanded by national need."

The ultimate result of the conferences which followed the issue of the Ministry of Health circular was that about 80 per cent of the officers of the local government service became subject to temporary economy deductions from their salaries.

The scales of deductions varied according to local circumstances, and a small number of authorities took no action because local circumstances did not warrant any further deductions being made. When one looks at the tabulated statement of deductions which were eventually agreed upon one sees that there is a great similarity between them. It would take up too much space to quote them all, but they are mainly upon what is known as a "graduated basis." In some cases no deductions were made from salaries up to £100 or £150 a year, then there would probably be a small percentage deduction on the next £150, a little higher percentage on salaries between, say, £300 and £500 a year, and so on until a general maximum of approximately 10 per cent on salaries over, say, £1,000 a year was reached. This system of graduating the percentage deductions meant that the lower-paid officers suffered very little and the net deduction from the higher paid officers' salaries was considerably less than 10 per cent. The average throughout the country worked out approximately as follows:

1·0 per cent up to	£150
1·7 per cent up to	£200
3·2 per cent up to	£400
4·5 per cent up to	£600
6·0 per cent up to	£1,000
7·5 per cent up to	£2,000

In most cases agreement was reached that the temporary deductions were to be put into operation for one year, but it was not until the early months of 1932 that all the local authorities had dealt with the matter. Therefore, from the early part of the year 1933 the periods of deductions have been coming to an end at different times. At the time of writing there are only sixty authorities operating scales of deductions, and there is every probability that these will end in the near future.

The aftermath of the war put a strain on the local government machine beyond comparison with any previous period. The spate of legislation from 1918 to 1934 shows clearly that Government put its whole trust in the local authorities to make up the wartime leeway of inactivity in community services. The task was made less easy by

the mercurial rise and fall of alternating political policies and the growing volume of criticism of that strange voice which urged the country "to get back to normal." This state of mind, in view of the fact that it represented the opinion of people in responsible positions, might easily have become tragic.

A short time ago Government departments were urging local authorities to execute schemes of great magnitude and national importance; the officers responded whole-heartedly and without monetary regard to that urge. Traditionally, the manner in which the local government officers carry out the work assigned to them is unaffected by changes in Government, but, even so, they would be sensible of a great injustice if the authority which only yesterday metaphorically almost broke their backs should to-morrow adopt a policy which must tend to break their morale.

Local government is not a luxury. It is a social necessity. It concerns the welfare and comfort of the community more closely than any other influence. The officers come into immediate contact with vital conditions. They are men and women who are entrusted with the responsibility of grappling with social problems such as housing, public health, sanitation, cleanliness, educating future citizens, the care of the infirm and insane, maternity and child welfare, relief of the poor. It is upon their skill and tact, as well as economic methods of administration when they execute these profound responsibilities, that the social fabric of this country very largely depends. That work has a national value which cannot be measured in terms of profit and loss. Of all times this is not the hour in which to impair the whole-hearted enthusiasm, devotion to duty, and confidence of a most important section of public servants.

There is a historical background of social science behind the present system of local government. To that system ungrudging tribute is paid in non-panic days. It is a national edifice created with the expert help of a highly trained staff whose service and integrity are relied upon in all moments of national emergency.

The fact that local government officers have in the past always respected the tradition that a public official should remain inarticulate politically does not mean that they are not intelligent observers of events. They are able to judge, probably better than most of their critics, what is the present financial position of the country, what are genuine contributions to national economy, and what is just and equitable as regards the value placed upon their qualifications and

services, and they are human enough to react to injustice as well as justice. There is authoritative confirmation of the statement that local government officers "are human enough to react to injustice as well as justice" in the following extract from the Report of the Bridgeman Committee on the Post Office:

"No organization can fail to be adversely affected when on the one hand it is denied the credit that is its due, and on the other, is subjected to continuous and often unfair and uninformed criticism. In such circumstances the staff cannot fail to become disheartened and demoralized."

There is also some comfort in the following tribute paid to local government by a former Minister of Health, Lt.-Com. Rt. Hon. Sir Edward Hilton Young, G.B.E., D.S.O., D.S.C., M.P., in the House of Commons on May 8, 1933:

"May I add my word of tribute to, and appreciation of, the manner in which the forces of local government in the country have been carrying on during the past two years? During those two years the depressed condition of industry and the distressed state of the nation as a whole have undoubtedly thrown strains upon the machine of local government and called for fresh sacrifices, devotion, persistence, and courage from those who are engaged in local administration. We in this House recognize with warm appreciation, on behalf of the nation, the manner in which their services have been rendered to the nation. I speak not only of those who voluntarily engage in the labour; I speak also of the great professional services of the officers of local authorities."\*

#### SUPERANNUATION

"That every officer, when from age and infirmities it may become necessary for him to retire from his station, should have a decent subsistence, payable out of the general fund."

That was the opinion of the first Commission, appointed during 1786, to inquire into the fees and emoluments of public offices and contained in its report (p. 12) issued during 1793. In those words

\* Hansard, vol. 277, no. 81, cols. 1271 and 1272.

we find the genesis of the national superannuation system of the public services. Prior to that time, individuals in a State department pooled their fees and paid salaries and retired allowances out of the pool.\* After then it gradually became the custom of the Treasury to pay retirement allowances to civil servants. But "the history of the practice of making provision for persons in the civil service, when disabled by age or infirmity from the efficient discharge of their duties, is exceedingly complicated."† These complications were, however, smoothed out and, in 1834, civil servants had conferred upon them a statutory right to superannuation allowances. Some time afterwards—to be precise, on February 18, 1859—when speaking on behalf of the Government on the second reading of a further Bill, Sir Stafford Northcote said of the Bill that "its object was to get good men for the civil service at moderate prices, to keep them as long as their services were valuable to the country, and to provide for their retirement when their services were not sufficiently valuable to the country. If that system were to be continued, it must be clear, intelligible, and uniform, because, if you had a system by which people, when appointed, were uncertain as to whether they were to receive superannuation, you could not . . . when you engaged them, get the benefit of the system by engaging them at moderate salaries."‡

The granting of pension rights to other sections of the public service has been intermittent. The police pension scheme was passed during 1890 (although an Act of 1829 provided for payment of pensions to members of the Metropolitan police force); by an Act of 1864, Poor Law authorities were empowered to grant pensions to their officers, and in 1896 a compulsory superannuation scheme was established for Poor Law officers (now public assistance officers of county and county borough councils). School teachers first became entitled to superannuation in 1898 and asylums officers in 1909.

Nothing was done nationally for local government officers until 1922, but certain local authorities had, prior to that year, promoted private Bills in which provision was made for superannuating their own officers.§

\* *The Authentic History of Civil Service Superannuation*, p. 11.

† *Ibid.*, p. 13.

‡ *Ibid.*, p. 44.

§ The history of this action is shown by the following list of authorities with private Act schemes and the date of their coming into operation:

Stepney, 1905. Bethnal Green, 1906. Kensington, 1907. London County Council, 1907. Metropolitan Water Board, 1907. Camberwell, Deptford, and Hackney, 1908. Port of London Authority, 1908. St. Marylebone, 1908. West-

In those Metropolitan borough councils which have not adopted private Act schemes, or schemes under the Local Government and Other Officers' Superannuation Act, 1922, an adoptive measure, known as the Superannuation (Metropolis) Act, 1866, is in operation.

Representations were made and deputations sent from time to time to the succeeding Presidents of the Local Government Board and their successors, the Ministers of Health. The first approach made to the Local Government Board in 1911 brought the reply that the President was unable to hold out any hope of legislation on the subject, and he could not see any advantage to trouble a deputation to wait upon him. In 1914 the Rt. Hon. Herbert Samuel, who was then President of the Local Government Board, did receive a deputation, and heard the case in favour of superannuation. He promised to draw up a statement and communicate it to the organizations representing local authorities. On October 19, 1918, a departmental committee was appointed "to consider whether it is desirable to introduce a scheme of superannuation applicable to the persons in the employment of local authorities in England and Wales." This committee reported in favour of superannuation on July 30, 1919.\*

Repeated deputations to successive Ministers were told, "You have proved your case, but the time is not opportune." Sheer desperation decided the National Association of Local Government Officers to try to get a measure introduced by a Private Member's Bill. In 1922 the Rt. Hon. Sir Herbert Nield, K.C., M.P., who had given his promise to help, was fortunate enough to secure first place in the ballot for Private Members' Bills. Sir Herbert, however, flatly refused to introduce a compulsory Bill, and the Bill, amended to meet the objections raised by him, was introduced on February 10, 1922, received second reading on April 7th, passed into law on August 4, 1922, and at

minster, 1909. Wandsworth, 1909. Chiswick, 1911 (adopted 1922 Act, January 1, 1925). Paddington, 1911. Poplar, 1911. City of London, 1912. Southgate, 1913 (adopted 1922 Act, June 1, 1932). Chelsea, 1914. Middlesex County Council, 1921. Lambeth, 1922. Shoreditch, Bermondsey, Finsbury, Greenwich, Hammersmith, Southwark, and Stoke Newington, 1922. Manchester, 1891. Croydon, 1893 (adopted 1922 Act, August 1, 1934). Bootle, 1899 (adopted 1922 Act, August 1, 1927). Wallasey, 1901 (adopted 1922 Act, April 1, 1930). Birmingham, 1897 (adopted 1922 Act, October 1, 1926). Newcastle-upon-Tyne, 1904 (adopted 1922 Act, April 1, 1926). Edinburgh, 1906. Clyde Navigation, 1908. St. Helens, 1911 (adopted 1922 Act, April 1, 1928). Liverpool, 1913 (adopted 1922 Act, June 30, 1930). Cardiff, 1920. Rotherham, 1921 (adopted 1922 Act, April 1, 1930).

\* Report of the Departmental Committee on the Superannuation of Persons Employed by Local Authorities in England and Wales (Cmd. 329), 1919.

11.30 a.m. on that day received Royal Assent. By noon the House had risen and did not meet again until after a general election.

The Local Government and Other Officers' Superannuation Act, 1922, has been adopted by 1,011 authorities. The position, however, is still full of anomalies. There are 14 county councils, 17 county borough councils, 140 borough councils, 453 urban district councils, and 355 rural district councils in England and Wales which have not taken advantage of the Act; the transfer of the Poor Law officers (with superannuation rights under the 1896 Act) to county and county borough councils; and the changes in areas with the consequent transfer of officers following the Local Government Act, 1929, have not helped to remove those anomalies, but have added to them. Since 1922 a second departmental committee has sat and reported in favour of a general superannuation scheme for all local authorities.\*

The Royal Commission on Local Government, which reported in 1929, said: "We are of opinion . . . that the local government service would benefit if the facilities for interchangeability were enlarged. This, however, depends upon the more general adoption of a uniform scheme of superannuation. . . ."†

The "Hadow" Committee was more emphatic, for in paragraph 115 of its report it stated: "It has to be recognized that the absence of a superannuation scheme in some areas is an obstacle to the free movement of officers between authorities. . . . Compulsory superannuation for officers was recommended by the Departmental Committee on the Superannuation of Local Government Officers (1928). In our view this is essential to the welfare of the service, and we hope that the Committee's recommendations will be carried out at the earliest opportunity."‡

But the time for official action is apparently "still inopportune."

It is characteristic of legislation to attempt to deal with a problem when it is in an advanced state of senile decay. Before superannuation has become general in local government, new issues are arising from the modern trend in public control. In 1934 the question of the aggregation of civil service and local government service for superannuation purposes, where a person transfers from the civil service to the local

\* *Departmental Committee on the Superannuation of Local Government Employees, 1928* (32-267).

† *Final Report of the Royal Commission on Local Government* (Cmd. 3436), para. 421.

‡ *Report of the Departmental Committee on the Qualifications, Recruitment, Training, and Promotion of Local Government Officers, 1934* (32-306).

government service and *vice versa*, was considered by the Ministry of Health and the Treasury, which invited the four associations of local authorities and N.A.L.G.O. to express their views on the proposals. The Government departments suggested that, "in the case of mixed service, each employer would on the officer's retirement award him a pension in respect of service rendered to that employer and that, for qualifying purposes only, each employer would take into account service rendered to the other." In other words, it meant that officers so transferred would receive two pensions. If, however, the service under either is less than ten years, but the total service under both is ten years or over, the award made on termination should be a pension, not a gratuity.

The associations of local authorities and N.A.L.G.O. did not agree with the views of the two Government departments mentioned, and put forward alternative proposals for a system of transfer values to be adopted and for the pension to be calculated on the final or average salary under the last employer and on the pension scale applicable to service under that employer. This meant that only one pension would be paid, based upon the whole of the officer's service under both employers, and calculated in accordance with the superannuation provisions of the employer of the officer at the date of his retirement.

So far agreement on the subject has not been reached. In the meantime, the question had to be dealt with in the Unemployment Act of 1934 because of the likelihood of many officers of the public assistance departments of the county and county borough councils being transferred to the service of the new Unemployment Assistance Board. The provisions in that Act relating to the aggregation of civil service and local government service for superannuation purposes follow the proposals of the Ministry of Health and the Treasury, but, although they do not go far enough to satisfy the associations of local authorities and the associations of officers, they do, at any rate, provide that when a local government officer transfers to the service of the Unemployment Assistance Board, he will not lose his superannuation rights in respect of his service before transfer which would have been reckoned as service for the purposes of the superannuation scheme to which he was contributing immediately before his transfer. The associations of local authorities and N.A.L.G.O. have, however, made it quite clear to the Government departments concerned that they do not accept the superannuation provision of the Unemployment Act, 1934, as establishing a precedent to be followed in the future.

The simple as well as the equitable solution is a provision that in the case of a local government officer with pensionable service, who is transferred to the service of the Unemployment Assistance Board, there shall be paid in respect of him a transfer value for superannuation purposes and on retirement he should be entitled to a pension in accordance with the civil service scheme calculated on the aggregate of his local government pensionable service and his service under the Board. Every facility for interchangeability throughout the whole of the public services is a necessity of the future, and when an officer is transferred from one service to another he should be "level-pegging" with his new colleagues as regards his basic service conditions.

## VI

### COMPENSATION

There still lingers an adverse bias in the minds of the public and "the atmosphere of envy of this alleged security has become poisoned, and it really is a kind of noxious gas from the idea of a century ago that every position under Government was a sinecure only obtained by influence, and that those who obtained these positions were very fortunate persons who need not necessarily have any ability whatever, and of course if one needs not have ability it is just as well not to have it, or, at any rate, to make an appearance of not having it."\*

But this much-vaunted security of tenure in the public service is a two-edged sword and "the merits and demerits of the system may be considered from three aspects: that of public economy, that of efficient conduct of public business, and that of . . . individuals and . . . the mass."†

Apart, however, from these considerations, and apart from the fact that, prior to the passing of the Local Government Act, 1933, provision for notice in a contract was *ultra vires* so far as the majority of the senior officers of the service were concerned, there is the question of compensation for loss of office or emoluments. Successive Governments during the past seventy years have, as has been shown in the earlier sections of this chapter, given legislative sanction to the re-organization of our local government system, and this has meant, in each case, that certain officers have had their offices abolished or reduced through no fault of their own, and it has long been recognized

\* John Lee in *Public Administration*, vol. i, pp. 46-47.

† Sir Stanley M. Leathes, K.C.B., in *Public Administration*, vol. 6, p. 318.

that justice would not be done if they did not receive some compensation for the loss which they have suffered.

The earliest provision in any public general statute for the compensation of local government officers who may be deprived of their office as the result of something done in pursuance of the statute is contained in the Poor Law Amendment Act, 1867, which made the Poor Law Board permanent and made sundry amendments in the law for the relief of the poor. That Act provided that, where any person was deprived of his office or employment in consequence of a dissolution of a Poor Law union carried out under the Act, the Poor Law Board (one of the predecessors of the Ministry of Health) "may, according to their judgment, award a compensation to be paid to such person, either in a lump sum or by way of annuity."

In the Public Health Act, 1875, there appeared the earliest provision in any public general statute for the compensation of local government officers (other than officers of Poor Law authorities). By section 309 of that Act, it is provided that in the case of any officer of certain bodies (including any local authority under that Act) who in pursuance of that Act or of any Provisional Order made in pursuance of the Act is removed from office or deprived of the whole or part of the emoluments of his office "the Local Government Board may by order award to such officer such compensation as the said Board may think just."

It will be observed that under both the Poor Law Act and the Public Health Act referred to the award of any compensation at all and the amount of the compensation were entirely at the discretion of the Government department.

In 1888 there appeared for the first time in a public general statute a provision which gave to local government officers a right to receive compensation in certain circumstances. By section 120 of the Local Government Act, 1888, it was provided that every officer who by virtue of the Act, or anything done in pursuance of or in consequence of the Act, suffers any direct pecuniary loss by abolition of office or by diminution or loss of fees or salary, *shall be entitled* to have compensation paid to him for such pecuniary loss, regard being had to certain conditions, and it was further provided that "the compensation shall not exceed the amount which, under the Acts and Rules relating to Her Majesty's Civil Service, is paid to a person on abolition of office."

This section was of very great importance because, with the neces-

sary modifications, it was applied by all the important public general Acts and most of the local Acts in consequence of which local government officers might suffer loss of office or emoluments passed between the years 1888 and 1929. For instance, between those years it was applied (with modifications) by the Local Government Act, 1894, the London Government Act, 1899, the Education Act, 1902, the Representation of the People Act, 1918, the Ministry of Transport Act, 1919, and the Rating and Valuation Act, 1925.

The Acts relating to the civil service referred to in the section are the Superannuation Acts of 1859 and 1884. Strictly speaking, there were no "Rules," but there were certain regulations approved by the Treasury for awarding compensation allowances on abolition of office, and those regulations are set out in a Treasury Minute dated June 14, 1859. In accordance with those regulations it was the practice of the Treasury in calculating compensation allowances to award as many sixtieths of the officer's emoluments as he had served complete years, with a special addition not exceeding the following scale:

<i>Actual Service</i>	<i>Addition</i>
20 years or upwards .. .. .. ..	10/60ths
15 years and less than 20 .. .. .. ..	7/60ths
10 years and less than 15 .. .. .. ..	5/60ths
5 years and less than 10 .. .. .. ..	3/60ths
Under 5 years .. .. .. ..	1/60th

Under the scale the maximum allowance was forty-sixtieths of the loss, and where the officer did not devote the whole of his time to the civil service it was usual to make a reduction of 25 per cent in the amount which would have been awarded in the case of a whole-time civil servant.

Section 120 of the Act of 1888 further provided that where the claimant for compensation was dissatisfied with the decision of the compensating authority he could appeal to the Treasury, whose determination was final. The power of giving added years for the purpose of assessing the superannuation allowances of civil servants was revoked by the Superannuation Act, 1909, the statute which provided that, in place of a pension calculated on the basis of one-sixtieth of the emoluments for each complete year of service, the civil servant should receive one-eightieth for each year plus a lump sum.

Following this change in the law, the Treasury allowed no addition of years for the assessment of compensation, with the result that where

local government officers who were dissatisfied with the amount awarded to them by the compensating authority appealed to the Treasury they did not get added years. In 1911, on certain appeals which went to the Treasury, it was held that in the case of an officer who claimed compensation for the loss of one of several offices held by him a reduction of 25 per cent must be made in his compensation as if he were a part-time officer, even though he devoted the whole of his time to the various local authority appointments held by him. In determining these appeals in 1911 the Treasury also decided that the compensation should be calculated only upon service in the abolished office and not upon the entire local government service.

From 1910 onwards many efforts were made to obtain, in special Acts which applied the compensation provisions of section 120 of the Act of 1888 to local government officers, a provision that in assessing the compensation the earlier Treasury practice of allowing the addition of years to the actual years of service should be followed. The first precedent was obtained in the Morley Corporation Act, 1913, which applied section 120 of the Act of 1888 with the highly important modification that the Acts and Rules relating to the civil service referred to in the section should mean the Acts and Rules "which were in operation at the date of the passing of the Local Government Act, 1888." This precedent, which was commonly known as "the Morley clause," was followed in many public Acts (the first being the Representation of the People Act, 1918) and in a very large number of local Acts. From 1920 onwards it came to be adopted more and more frequently, until it became practically "common form." Thus the right of local government officers to have "the added years" for the assessment of their compensation for loss of office or emoluments became firmly established.

During the years following the war precedents were also obtained in a number of public and local Acts and Provisional Orders to provide that (i) in computing the service of an officer for the purpose of the award of compensation the compensating authority shall take into account all the service of the officer in any capacity, and (ii) in the case of an officer who held two or more offices under any local authority or local authorities and who devoted the whole of his time to the duties of such offices, his compensation shall not be reduced by reason of the fact that he had devoted only part of his time to each of such offices; and in the course of time these precedents also came to be accepted as "common form."

In the Local Government Act, 1929, further improvements were made and, instead of section 120 of the Act of 1888 being applied with modifications, compensation provisions based on that section, with the important additions obtained from time to time since the Morley clause, were set out in the new Act itself.

The very latest and most up-to-date provisions relating to compensation of local government officers are contained in the Local Government Act, 1933, and here, again, a further advance has been made because in that Act, instead of applying the old Treasury scale of added years by means of a reference to the Civil Service Acts and Rules in operation in 1888, that scale is set out in the Fourth Schedule, and can be said to be the result of many years' watching and building.

## VII

### THE FUTURE

Other trends have to be recognized besides the kaleidoscopic changes just outlined in the foregoing pages. There has been a shift of balance towards the recognition that the influence of local government is national rather than local. The tendency has been stimulated by the nature and the volume of twentieth-century legislation. "The last twenty years have seen a great increase in the powers and duties of local authorities. Their responsibilities are now far-reaching, and the welfare of the community is largely dependent on the efficiency with which those responsibilities are discharged. Public health, education, public assistance, housing, town and country planning, road construction and maintenance—these are only some of the activities of local government bodies, but reference to them is enough to show the importance of the part played by local authorities in the modern state."\*

Each decade is altering the focus, and whilst something new in public control is possible, it will come solely from the fact that the community wants of to-day are larger and more complex than ever before the war. The municipal and county administrative machines must be adjusted. Whether certain functions are centralized or regionalized matters little to the principle that Government must face the ever-widening and interrelated demands of modern civilization.

\* *Report of the Departmental Committee on the Qualifications, Recruitment, Training, and Promotion of Local Government Officers*, para. 1, p. 4.

When the Municipal Corporations Act of 1835 was passed, its sponsors thought parochially. For the future we must think nationally.

Sir George Newman, ex-chief medical officer of the Ministry of Health, makes it abundantly clear that local government is a national service when he says: "We are getting national health, a purchaseable commodity; a commodity that is worth while because it means a national survival and national capacity. Those are the three articles, survival, health, capacity, which we are buying . . . it is the lesson of six hundred years that by organization, foresight, and the sensible application of science we can obtain a large measure of these goods. In 1349 England was swept by the plague and lost about half its population, four millions being reduced to two. During the succeeding three hundred years we continued thus to lose some millions of lives from pestilence. As recently as the nineteenth century we lost a quarter of a million from cholera. But to-day, if an Englishman desires to contract leprosy, plague, or cholera he must leave these islands and go elsewhere, to lands where such maladies still prevail."\*

It is not without interest to see how difficult it has been to adjust the minds of people concerned with local government to view it from a national angle.

When the first National Health Insurance Bill was introduced efforts were made to exclude the officers of local authorities; similar efforts were made in connection with the first Unemployment Insurance Bill; but no one would accept the argument that local government officers were national public servants like teachers, poor law officers, and so on. It was said that local government officers were employed by a congeries of separate employers—the local authorities. That conception was a serious obstacle to securing uniform basic service conditions and the evolution of a modern idea has been slow, costly, and difficult. The first achievement was to secure the recognition of service with any local authority for compensation purposes, a point that has already been made on a previous page; the second was the insertion in the Local Government and Other Officers Superannuation Act, 1922, of provision for a transfer value when an officer left one authority for another; but the most promising contribution has come from the Departmental Committee on the Qualifications, Recruitment, Training, and Promotion of Local Government Officers.

Attention was first drawn to this important point during the sitting of the Royal Commission on Local Government. "Notwithstanding

\* *Report of the Chief Medical Officer, Ministry of Health, 1931.*

that for many years it has been the practice of local authorities to advertise vacancies with the idea of securing officers with experience in other local authorities, there have been indications that the municipal service is not regarded as national in character. To support this contention attention may be directed to the Unemployment Insurance Act and the regulations thereunder governing certificates of exception for employees of local government authorities. The Rating and Valuation Act does recognize, however, service under more than one local authority in connection with compensation on abolition of office.

Without interfering to any great extent with the autonomy of local authorities, it is suggested that a number of improvements of a distinctly national character could be made concerning the service conditions of local government officers. . . .”\* Detailed references were made to these improvements, and the Royal Commission, in its report, stated, “. . . The problems which have emerged from our investigation require a much more detailed investigation than has been possible by this Commission, and a Departmental Committee should be appointed to inquire into the recruitment of local government officers” (paragraphs 412 and 413).

This departmental committee was set up by Mr. Arthur Greenwood, then Minister of Health, on September 15, 1930, “to inquire into and make recommendations on the qualifications, recruitment, training, and promotion of local government officers.”

No small contribution to the present high standard of efficiency in local government administration is due to the work, the policy, and the aspirations of the large number of local government officers’ organizations, and it is their due that this chapter should conclude by quoting the tribute paid to them by the departmental committee: “The local government service maintains to-day a high standard. We have heard little serious criticism of officers, and we have been favourably impressed by the evidence given on their behalf. The associations of officers have done a great deal to raise the standards of the service. They have consistently, and, on the whole, successfully, laboured to secure the improved qualification of their members. We ourselves owe these associations our thanks for the assistance which they have given to us” (paragraph 2, page 4).

\* *Evidence given by the National Association of Local Government Officers*, para. 19.

## CHAPTER VII

## THE HEALTH OF THE PEOPLE

*by*

SIR GEORGE NEWMAN

## I

THE medical inheritance of the nineteenth century was richer and more abundant than has generally been supposed. Before we attempt to estimate the harvest of the reform period which began in 1832, and of which the Municipal Corporations Act was among the first fruits, we must not be tempted to overlook the past. The medicine of the Greeks and Arabs had come to England from the thirteenth century, slowly filtering through from Italy and Spain. The plague (so-called Black Death) had covered Europe in the fourteenth century, and from 1348 to 1349 probably nearly half the population of England—estimated to have been approximately four million—had been destroyed. Leprosy and plague had together taught the English people some of their early methods of isolation and segregation, methods which however clumsy and perfunctory are not without their results in England to-day. At the Renaissance Linacre brought back from Italy the inspiration of learning and translated some of the Greek masterpieces of medical literature, and on his advice Henry VIII founded the College of Physicians (1518). Parliament passed several Bills for the control of vagrants, the relief of the poor, and the establishment of Commissioners of Sewers for land drainage. A century and a half later the continuance of plague and other forms of imported pestilence moved the Privy Council to urge upon the City of London the establishment of a system of Quarantine (isolation of infected ships for forty days), as practised at Venice some three centuries before.

Then in the eighteenth century came a flood of new knowledge and its application. Richard Mead collated at the request of the Government the experience of the preventive methods of that day in his famous *Discourse concerning Pestilential Contagion* (1720); Sir John Pringle issued his reports on *Diseases of the Army* in 1752; three years later James Lind published from Haslar his treatise on

*Scurvy*; and in 1767 Dr. (afterwards Sir) George Baker wrote his pamphlet on *The Cause of the Endemical Colic of Devonshire*, a form of lead-poisoning. These four medical men established or formulated fundamental principles which were practised and extended by the army and navy authorities and by the illustrious Captain Cook, Sir Gilbert Blane, Dr. Huxham of Plymouth, Heberden, Hewson, and Haygarth. Not less enduring was the work of the "inoculationists" culminating in Edward Jenner, the village practitioner in Gloucestershire who proved the validity of the protection against smallpox by vaccinia. In this way also Harvey and Sydenham in the seventeenth century and the annalists and clinicians of the eighteenth century, including William and John Hunter, Fothergill, Lettsom, and a group of obstetricians, moved medicine forward to a degree which it had not hitherto advanced in England.

There was yet one other aspect of medicine which was to play an important part in the reform period, and of which the foundations were laid long before. The Industrial Revolution which began in the second half of the eighteenth century led to the movement of the people from the rural districts to the towns and from the fields to the mills. It led also to the employment, for long hours in the mills, of the "apprentice" children. Impaired physique and epidemic disease soon followed, and Percival and Ferriar of Manchester set to work to explore the situation. That was the beginning of a far-reaching national service. They found excessive hours of labour, unwholesome conditions, and insanitation fostering the spread of infectious disease. They found young children enslaved in a system which was directly harmful to body and mind. These facts were brought before a voluntary Board of Health which they and their friends had devised in 1796, with the result that the question of factory hygiene and regulation by law was brought to the attention both of the authorities in Manchester and the imperial Parliament in London. Some years afterwards Sir Robert Peel acknowledged his indebtedness to Percival and his associates in the preparation of the Health and Morals of Apprentices Act of 1802, the first of that great stream of factory laws the influence of which has revolutionized health in industry throughout the world. From 1802 to 1832 there was a succession of Parliamentary Committees which collected evidence of the hard conditions of labour in mills and factories imposed upon children of tender years, at first upon the imported "apprentice children" from the parish workhouses and subsequently on the children of the operatives themselves. "It took forty years,"

wrote Mr. Hammond, "for the rulers of England to stop this wholesale cruelty."

The findings of Percival and his friends as to the morbid physical results of the over-employment of women and children in the mills—the lowered physique, the increase of infectious disease, the higher mortality—did much to awaken public opinion as to the mass evil of such employment, but it did little to enlighten the mind. A hundred years before, the Italian pioneer Ramazzini of Modena had published his book on the *Diseases of Artificers* and his work had inspired Turner Thackrah, of Leeds, to explore the particular physical effects of the principal trades and industries upon their respective workmen. His small book was published in 1831, and it opened a new chapter in Preventive Medicine in this country, a substantial contribution in favour of the factory legislation of Parliament in the subsequent years.

#### THE ADVANCE OF MEDICINE AFTER THE ACT

Thus when the Municipal Corporations Act was passed in 1835 England was not entirely uninformed in regard to the medical and public health problems awaiting solution. But the nineteenth century was to supply an enormously enhanced scientific impulse, and this we must briefly consider before we examine the municipal and administrative use to be made of it.

Sir Humphry Davy first demonstrated the anaesthetic property of nitrous oxide gas in 1799, and in that year there was born in Shropshire a child named Henry Hickman. He became a doctor, and in the intervals of a country practice he experimented in producing "suspended animation" in animals by the inhalation of carbonic acid gas (1824), which he applied in due course to his patients. Such work was repeated in America by Long, Wills, and Morton in 1846, and in the following year James Young Simpson, of Edinburgh, demonstrated the anaesthetic power of chloroform. The effect of these discoveries upon medicine and surgery was remarkable in various ways. Anaesthesia made surgery safer and more popular. The operator could take his time, and therefore perform operations which hitherto had been impossible. The period of sleight-of-hand and lightning surgical feats was over. Deliberate and careful surgery was practicable, even in what were formerly inaccessible sites of the body. Similarly in midwifery pain was relieved and delivery shortened; and in research the worker also could anaesthetize the animal upon which

he experimented. It is not surprising that what Weir Mitchell called the "death of pain" should be hailed as one of the great discoveries of mankind, and should be universally adopted when necessity requires. Its discovery may be said to have been empirical and indeed almost accidental, and the discoverers must be more numerous than we know. It had been long foretold, from the age of Dioscorides and probably earlier, yet it came to be practised widely only after the middle of the nineteenth century. It is needless to add that anaesthetics are now administered thousands of times daily, and that their vogue has enormously advanced surgical intervention, and thus been the means of a universal extension of preventive surgery.

Still wider in its application was the establishment of the antiseptic system in surgery by Lord Lister. In 1860, when he was Professor of Surgery at Glasgow, he observed how frequently his patients suffered and died from the suppuration of surgical wounds. From Pasteur's work he learned that suppuration was a "fermentation" set up by microbes carried in the air or otherwise brought into contact with the wound. He saw that he must exclude such micro-organisms or destroy them in the wound. Thus Lister developed the methods of exclusion or destruction by the application of carbolic or other "disinfectant." The effect of Listerian surgery was to reduce both the incidence and mortality of wound sepsis. It also made surgery safer; reinforced the principle of disinfection; it cleaned up the hospitals throughout the world; it immensely enlarged the scope of abdominal, uterine, and brain surgery; it made surgery more preventive; it saved tens of thousands of lives in peace and in war; and it proved a master example of the scientific method.

In some ways the most remarkable of the medical discoveries of the nineteenth century were those concerned with the rise and advance of the science of bacteriology. Like all progress in science the actual event was due to various adventitious aids and instruments, the microscope, Weigert's methods of staining, Koch's "pure cultures" in fluid and on solid media, the advance of sterilization by heat, and the inoculation test upon animals. These means opened the door to the astounding work of Louis Pasteur and Robert Koch. The former elucidated the cause of fermentation in 1857, the latter worked out the bacteriology of anthrax in 1876. Then followed in rapid succession, in the last twenty years of the nineteenth century, the discovery of the bacillary cause of typhoid fever, septicaemia, tuberculosis, glanders, pneumonia, cholera, diphtheria, tetanus, meningitis, plague, and

dysentery. Thus was discovered in a single generation the *causa causans* of many of the diseases of man, a discovery which illuminated the path of diagnosis. Further, it was on these discoveries that the whole doctrine of infection was revolutionized, and still more the means of extensive prophylaxis and immunity understood and applied.

The advance in the public health of nations in modern as in ancient times has, however, been dependent upon the social evolution of man more than upon the growing knowledge of science. For progress must always draw its motive and energy from the aspiration and assent of the great mass of the people. The science of the few may indeed both lead and guide the will and habits of the people, but it cannot compel nor can it speedily change their tradition and custom. Towards the end of his life Sir John Simon summarized the convictions of his long and unique experience of the development of the practice of Preventive Medicine in words which should not be forgotten.

“In every moral influence which elevates human life, in every conquest which is gained over ignorance and recklessness and crime, in every economical teaching which gives better skill and wisdom as to the means of self-maintenance, in every judicious public or private organisation which affords kindly succour and sympathy to the otherwise helpless members of the community, the medical specialist gratefully recognises types of contribution often not less necessary than his own, towards that great system of Preventive Medicine which is hoped for by Sanitary Reformers.”

In the history of the eighteenth and nineteenth centuries there are abundant evidences of the truth of these words. The Methodist Revival induced by John Wesley and the humanitarian spirit promulgated by John Howard and Sir Samuel Romilly exerted a pervading influence in the England of the eighteenth century every whit as impressive as the medical knowledge spread by Boerhaave of Leyden or the scientific labours of John Hunter. The social conscience which frustrated the orgy of spirit-drinking between 1720 and 1750 left a mark upon the community greater, in its time, than the doctrines and philosophy of Jeremy Bentham and their aftermath in the Utilitarians. Obviously the former yielded a quicker return than the latter, but it is not too much to say that without the former the long-distance influence of Bentham would have been inoperative. Yet the finer adjustments of law, order, and good government await the removal

of the gross scourges and pestilences which undermine the physique of a people. The century of steady civic and municipal growth which followed the Reform Bill was made possible by the revolutionary events of the century preceding it, just as the personal health of the English people to-day is founded upon the "cleaning up" of the gross insanitation of the external environment of a former day.

## II

### SOCIAL INQUIRIES AFTER THE ACT

We may now turn to consider what happened in the years immediately following the passage of the Municipal Corporations Act of 1835 (particulars of which will be found in Chapter III of the present volume). In his early life Edwin Chadwick (1800–90) became the pupil and friend of Bentham (1748–1832), and resided with him in Queensgate, Westminster; during his last years he was one of his secretaries. From Bentham he acquired many of his doctrines, including his "sanitary idea." In 1832 he was appointed an Assistant Commissioner of the inquiry into the working of the Poor Laws, in 1833 a Commissioner, and on the passing of the Poor Law Amendment Act in 1834 he became Secretary of the new Commission, which employed Dr. Arnott, Dr. Southwood Smith, and Dr. Kay to make inquiries into the "constantly acting causes of destitution and death" in London. Their reports have become memorable as the pioneer official records of this sort. As a result of their presentation to Parliament the Government decided to instruct the Commission to extend such inquiries as to the causes of prevailing disease among the labouring population throughout England and Wales, and in 1842 the results of this more general inquiry were ready for publication. They consisted of the metropolitan reports by Drs. Arnott, Kay, and Southwood Smith, and in addition reports from Assistant Commissioners, from the clerks and medical officers of Boards of Guardians and from private medical practitioners in many parts of the country, including Scotland. So large and varied was the mass of miscellaneous evidence collected from 1834 to 1842 that the Poor Law Commission requested Mr. Chadwick, their secretary, "to frame a Report which should exhibit the principal results of the inquiry which we were instructed to conduct." This *Report on the Sanitary Condition of the Labouring Population of Great Britain* by Chadwick became at once, and has remained ever since, an authoritative presentation of the medical aspects of the social life of the people from 1834 to 1842.

It was followed in due course (*a*) by periodical medical reports by officers of the central government and of local districts from 1855 to the present day; (*b*) by a long series of reports by Royal Commissions, Parliamentary Committees, and Interdepartmental Inquiries; and (*c*) by such comprehensive studies as that of Charles Booth in 1890–1900, and Llewelyn Smith in 1930–34. But Chadwick's report established the precedent, and gave him a unique relation to the beginnings of British sanitary reform, the first non-medical leader in a great cause. Chadwick himself suffered from some of the defects of his qualities. Sir John Simon tells us that he builded overmuch on his own inexperience; he had a liability to one-sidedness on questions of medical science and administration; he listened unwillingly to dissentient voices; he trusted too implicitly, like Bentham, in central dictation; he suffered from an autocratic arrogance to which young bureaucrats may be subject, and he was perhaps impatient of public and national consents. Yet as to Chadwick's ability, immense diligence, and sincere and disinterested zeal for the public service there can be no doubt, though these virtues did not save him from premature deposition from his official duties in 1854.

Public opinion had been offended, and satire was aroused. “Æsculapius and Chiron, in the form of Mr. Chadwick and Dr. Southwood Smith,” wrote *The Times*, “had been deposed, and we prefer to take our chance of cholera and the rest than to be bullied into health. . . . England wants to be clean but not to be cleaned by Chadwick. . . . It was a perpetual Saturday night, and Master John Bull was scrubbed and rubbed and small-tooth-combed till the tears ran into his eyes and his teeth chattered, and his fists clenched themselves with worry and pain.”

Chadwick's report concerned two main themes: first, the extent and operations of the evils into which the Commission inquired, and secondly the means by which the existing insanitary condition of the labouring classes might be improved. These fundamental issues have remained, and are as dominant to-day as they were ninety years ago. In 1842 the evidence of the Commission indicated that “atmospheric impurities” aggravated or propagated epidemic and endemic disease among the labouring classes, and that where the unfavourable physical circumstances were removed by effective drainage, proper water supply and cleansing, better ventilation, lessened overcrowding, etc., the frequency and intensity of the incidence of such diseases were abated or abolished. They further concluded that “the annual loss of life

from filth and bad ventilation are greater than the loss from death or wounds in any wars in which this country has been engaged in modern times," that premature and preventable mortality and sickness conducted to poverty and the shortening of working days and capacity, and that "the existing law for the protection of the public health and the constitutional machinery for reclaiming its execution, have fallen into desuetude." Such was the problem; and the Commission believed it to be soluble by effective drainage, removal of refuse, adequate water supplies, "the appointment of district medical officers independent of private practice," the application of practical science, skill, and economy in the direction of local public works, and that "the promotion of civic, household, and personal cleanliness are necessary to the improvement of the moral condition of the population."

These conclusions of 1842 were confirmed by the Royal Commission on the Health of Towns in 1844, and in 1848 Parliament formulated their substance in the first comprehensive Public Health Act and in the establishment of a General Board of Health. Amendment both of the Act and the Board proved necessary before the prescribed limitation of five years had elapsed, and the resulting confusion (partially regularized by the Public Health Act of 1848) continued until the Royal Sanitary Commission of 1869, which, without contesting the important findings as to the nature of the problems envisaged by Chadwick and the former Commission of 1844, recommended consolidation of the unsystematized state of sanitary laws and jurisdiction to make them "uniform, universal, and imperative." This new Commission had been constituted largely owing to criticism from the medical profession, and upon it served Sir Thomas Watson, Sir James Paget, Sir Henry Acland, Sir Robert Christison, and Sir William Stokes. This added medical authority came to the support of Sir John Simon, who had ably served the Board of Health and the Privy Council, and from the Report of this Royal Sanitary Commission may be said to date a new orientation of the medical issues to be determined. Its results were manifold, including the Local Government Board Act of 1871, the Public Health Act, 1872, the Sale of Food and Drugs Act, 1875, and the great consolidating Public Health Act of 1875.

The establishment of the Local Government Board played an essential part in the evolution of the Public Health Service. All the administrative measures that had gone before had been provisional and experimental. For forty years the Parliamentary effort to organize

a national scheme had been of the nature of grappling with sanitary problems piecemeal, as they arose. Vaccination, the exigencies of Poor Law administration, the four rather alarming epidemics of cholera (1831–33, 1848–49, 1853–54, and 1865–66), the insanitary state of the labouring classes, and the urgent need for a comprehensive registration of sickness and mortality had moved public opinion and Parliament to a kaleidoscopic series of patch-work measures, which included the Poor Law Amendment Act itself, the Factory Act of 1833, the Registration of Births, Deaths, and Marriages Act of 1836, and the Vaccination Act of 1840. The mention of the last-named Act and its amending Acts in 1853, 1858, 1867, and 1871 is an example of the happy-go-lucky manner of Parliamentary action in respect of legislation in a country which taught vaccination to the world. Our Poor Law legislation has been hardly less strange and confusing. But we may take credit and comfort for the steady and exemplary development in statistical registration. Within three years of the passing of the Registration Act of 1836 the Government were fortunate in the advent of Dr. William Farr, who was appointed in 1839 as "compiler of abstracts" at the General Register Office, and officially described as "Mr. Farr, a gentleman of the medical profession, whose scientific knowledge and intimate acquaintance with statistical inquiries are ample pledges of his peculiar fitness for the post." Happily for the nation Dr. Farr proved to be the genius of our medical registration system for forty years, and his skill and wisdom have been vital factors in our sanitary history.

#### THE LOCAL GOVERNMENT BOARD AND THE EXPANDING SPHERE OF LOCAL AUTHORITIES

The creation of a new central authority, the Local Government Board, had a much more enduring effect than the earlier General Board of Health. It had the advantages of greater permanence and authority, of a consolidating Public Health Act, of a medical staff of experts and general inspectors, and of a definite supervisory duty towards the new local authorities. But it suffered from a twofold incubus. First, within it had been incorporated the old Poor Law Board and its administration of the former Poor Law, and though its inclusion was fit and proper the Board thus inherited a long-standing disability and even stigma. Secondly, Medicine was not, as under the Poor Law Commission, given its full place and credit. Yet to Medicine belongs not an accidental or incidental but an essential share in any

function the central authority has to exercise in respect of local sanitary government, and to a large and ever-widening extent the medical considerations are those which must be of primary and fundamental use in any supervisory criticism of local action. Obviously, sanitary law which creates local authorities and directs their statutory duties belongs to the province of legal administration, but in both the obligatory and discretionary spheres of action questions of right and wrong and even of expediency must rest upon medical judgment.

This medical bias in a department concerned with public health was all the more necessary in view of the practical medical advance which was becoming a notable feature of the period. From 1847 onwards local authorities were appointing medical officers of health, appointments which became systematized under the Public Health Act of 1872; from 1858 the medical profession itself was being reorganized by statute, a register of qualified men being instituted under a General Medical Council for medical education; in 1886 an amending Medical Act extended the compass and representation of the General Medical Council, and authorized the registration of diplomas of proficiency in sanitary science and public health; and in an increasing series of Acts there was imposed upon all registered medical practitioners ever expanding public medical duties. In a word, from 1858 onwards to the present time the State itself was extending the sanitary functions of the medical profession, which thus became in a remarkable degree the initiator and instrument of public health services. Nor was this statutory recognition the only reason for paying closer regard to the advice of the profession. The science and art of Medicine itself was rapidly advancing.

In 1840 Bodington had established an open-air sanatorium, an institution which was subsequently to be widely used by the local authorities in their attack on tuberculosis; Dr. Farr's medical statistics had commenced, as we have seen, in 1841; the two last cholera epidemics, 1854 and 1866, had necessitated a special call on the services of the medical profession; in 1882 had been discovered the *bacillus tuberculosis*, and in 1890 antitoxin for diphtheria had been prepared, both of them discoveries of immediately practical value to the national health; in 1895 the X-ray was available, which has since proved itself an invaluable means of diagnosis and treatment; in 1910 *salvarsan* was added to the armamentaria of the local authority; and in the last ten years of the Local Government Board period (1910-20) the

compass of the application of medicine and surgery to the needs of the population had been extended in directions undreamed of in 1871. The channels of contagion in infectious disease, the means of diagnosis, the prevention of blindness and dental disease, the treatment of tuberculosis and rickets, the surgical repair of the cripple, was being elucidated, and thus the local authorities were enabled to deal with morbid conditions which formerly lay outside their capacity. Small wonder that the Local Government Board, whatever its limitations, was a witness and instrument of progress.

The last two decades of the nineteenth century saw an immense extension of enfranchisement, municipalization, trade unionism, and co-operative enterprise. But it was an expansion built upon earlier foundations. The Reform Bill enfranchisement of 1832 was followed by reform of the Poor Law, of municipal governance, and of the Factory Acts. The enfranchised town labourer in 1867 demanded religious equality, education, reform of the civil service, and the formulation and establishment of a national policy in public health. The Reform Act of 1884 extended the franchise to the agricultural labourer, and was followed by the Local Government Acts of 1888 and 1894. The former created the County Councils, substituting local representative institutions for rural administration by nominated magistrates, and the latter made urban and rural district councils and parish councils popularly elected bodies charged with health services. The Representation of the People Act in 1918 nearly trebled the number of Parliamentary voters, and included women, and it was followed by a tide of reforming expansion in the midst of which we live. London, which had been excluded from the Municipal Corporations Act of 1835, became under the Act of 1888 a new London County Council, a body which has not only given us a new London, but has led and incited all the other County Councils.

The new towns of the Industrial Revolution were, as the Hammonds have said, "not so much towns as barracks; not the refuge of a civilization but the barracks of an industry. This character was stamped on their form and life and government." Yet they were the descendants of the medieval towns, which in their turn had derived from the manor, the guild, and the borough. The Municipal Corporations Act of 1835 substituted for such associations of producers and consumers an organization of the residents of each locality for the purpose of satisfying their communal needs and their self-governance. Between 1840 and 1870 nearly all the former bodies of "town improvement

commissioners" were absorbed and concentrated in town councils as municipal corporations, with an extending franchise and growing health duties. Such functions included in due course sanitation, water supplies, housing, food control, the prevention and treatment of infectious disease, and in our own day provision for the sick, lame, halt, blind, and defective, for special schools, for maternity, for child welfare, for poor relief and the public assistance of the destitute, for the cleansing of persons, and for overcrowding. Baths and wash-houses, museums, public libraries, parks, gardens, playing fields, open spaces, allotments, and ever-widening educational and public health services (including the training of midwives and inspectors) were produced out of the rates and taxes. Tramways, gas, and electricity followed the public water supplies. The self-governing towns actually became employers of labour and producers. It cannot be doubted that this kind of "municipal socialism" had a prompt effect upon morbidity and mortality.

From 1835 to the present day there have been numerous modifications in form, size, and character of local authorities, for parish, rural and urban district, borough and county. The few score English boroughs (178 out of 246 corporations) involved in the Act of 1835 have now grown into 1,831 local authorities. The Royal Commission of 1928 classified them as follows: rural district councils 646, urban 785, municipal boroughs 255, county boroughs 83, and county councils 62. With the exception of the councils of counties these local authorities are also "sanitary authorities." They soon found the need for surveyors, sanitary inspectors, and medical advisers entitled "Medical Officers of Health." Liverpool was the first city to appoint a Medical Officer of Health (Dr. Duncan) in 1847, and a year later the City of London appointed Mr. John Simon. There are now 1,686 local authorities required to appoint a Medical Officer of Health and a Sanitary Inspector, and upwards of 1,200 medical men are so engaged. Their duties involve the administration of the sanitary and public health Acts in their respective areas.

It is instructive to observe the scope of the Public Health service as it emerged from the pioneering stage of the first half of the nineteenth century. The Royal Commission of 1869 formulated a philosophy in words which have become classic:

"The principle of local self-government," they said, "has been generally recognized as the essence of our national vigour.

Local administration, under central superintendence, is the distinguishing feature of our government.

"The theory is that all that can should be done by the local authority, and that public expenditure should be chiefly controlled by those who contribute to it. Whatever concerns the whole nation must be dealt with nationally, while whatever concerns only a district must be dealt with by the district."

The Commission recognized the manifold disadvantages of small parochial units and the resulting discrepancies, yet "local administration must nevertheless be maintained, but it should be simplified, strengthened, and set in motion," and they proceed to set out the terms categorically of "what is necessary for civilized social life" in eleven propositions, as follows:

- (i) The supply of wholesome and sufficient water for drinking and washing.
- (ii) The prevention of the pollution of water.
- (iii) The provision of sewerage and utilization of sewage.
- (iv) The regulation of streets, highways, and new buildings.
- (v) The healthiness of dwellings.
- (vi) The removal of nuisances and refuse, and consumption of smoke.
- (vii) The inspection of food.
- (viii) The suppression of causes of disease and regulations in case of epidemics.
- (ix) The provision for the burial of the dead without injury to the living.
- (x) The regulation of markets, etc., public lighting of towns, etc.
- (xi) The registration of death and sickness.

This was the grand inventory of Public Health which closed one epoch and opened another. It was a summary indicative of the sanitary troubles of the first half of the century, and it was represented as an enlightened programme for the second half. Its promoters believed that with some consolidation of the law and extension of official regulations, with supervision from a strengthened central authority, and with the rising tide of local self-government, this programme could be fulfilled and would go far to save the health of the English people. And they were right, for their programme has proved the basis of the whole sphere of sound sanitation. But they did not see the oncoming of the irresistible social demand of the new voters from

the cottages where dwells the nation. They underestimated the voluntary effort and public spirit of the people themselves. They failed to associate their health reforms with the coming of compulsory universal education. They could not see that within twenty years the great advances of Medicine were to place in the hands of the people the power to redeem themselves. Above all, they did not realize the depth and magnitude of the forces of the new Humanism which had already emerged—the influence of the Christian Socialists, of Frederick Maurice and Lord Shaftesbury, of the Chartist, the Co-operators, the Trade Unionists, the Utilitarians—a collective Humanism which is the inspiration of all good government and which claims that the life is more than the meat and the body than raiment. Thus it has come about that national health policy has been humanized, made more personal and domestic, more educational and preventive, and brought nearer to the needs of the individual.

### III

#### THE NEW PUBLIC HEALTH OF THE TWENTIETH CENTURY

The result has been that the elementary demands of the Royal Commission of 1869 have not only been amplified and extended in scope, but revolutionized in comprehensiveness, vitality, sphere, and purpose. Its objective also has been changed, for no longer is an improved environment only the goal of the public health. There has followed what Louis Pasteur called “an extension of the frontiers of life”—the care of the living, the mother, the infant, the child; the blind and deaf, the defective and epileptic, the crippled, the mentally defective and insane. Sixty-five years after the programme of the Royal Commission of 1869 the Public Health Service of the State incorporates its eleven sanitary provisions necessary to civilized social life, but it has been widened to include a dozen other forms of State medical aid:

1. The housing of the people and the planning of towns.
2. Industrial welfare of the worker and supervision of his work-place.
3. The care and supervision of maternity.
4. The health of infants and children, including a school medical service.
5. The direct treatment of the common infectious diseases.

6. The direct treatment of constitutional disease: tuberculosis, venereal, cancer, rheumatism, lunacy, blindness.
7. The provision of the means of such treatment: hospitals, clinics, sanatoria, special schools.
8. A national health and unemployment insurance system.
9. International sanitary conventions.
10. Medical research and investigation into causes and prevention of disease.
11. The education of the people in health by the local authority.
12. The imposition of statutory duties on the medical profession in behalf of Preventive Medicine.

It is hardly surprising that as long ago as 1881 John Morley should say "That in the country where Socialism has been less talked about than any other country in Europe its principles have been most extensively applied." For here is a comprehensive medical system of State and municipal aid on a communal basis of what was once entirely a matter for individual self-provision or equally entire neglect. "These urban communities," said Mr. Sidney Webb nearly twenty-five years ago, "have left behind them, once and for all, the ideal of a society of independent, self-sufficing households each producing for its own needs. Instead they (the municipalities) take on the character gradually, and at first without social self-consciousness, of co-operative communities based upon the obligatory membership of municipal citizenship, in which one function after another is organized and fulfilled for the common benefit of the collective forces of the social group."\*

The whole of this vast enterprise, though "municipal" in administration, is supervised, controlled, and subsidized by the State. Whilst the particular services named in the categories above relate narrowly to *public health services*, the social amelioration of the people is ensured by *social services* which are not directly medical. Nevertheless they contribute indirectly to the health of the people, as forms of poor relief, unemployment insurance, pensions, reformatory and industrial schools, and education. In 1891 the local and general total expenditure on public social services in England and Wales (education, public health, lunacy, and poor relief) was £20 millions; in 1910 we find that such expenditure, to which old age pensions had been added, had risen to £55 millions; in 1920, after the war, the public social services included the new insurances for unemployment and health,

\* Cambridge Modern History: *The Latest Age*, 1910, vol. xii.

and to these were added the war pensions, raising the total expenditure to £271 millions; and owing to increases in almost all items the expenditure twelve years later (1932) amounted for England and Wales alone to no less than £430 millions per annum.\*

Thus it came about that the opening of the twentieth century witnessed a profound change in the conceptions of communal responsibility and in the content of the public health service. Its centre of gravity moved from an external environment to the necessity of protecting and preserving the social organism by attention to personal hygiene and the detection and treatment of prevalent disease. It dealt with persons rather than things, and a long series of Acts of Parliament imposed upon local authorities, hitherto mainly concerned with sanitation, a variety of duties or powers relating to the physique, health, cleanliness, diseases, and occupations of the people. In 1903 the Duke of Devonshire, as Lord President of the Council, appointed an Interdepartmental Committee to estimate the health and physique of the people, to indicate the causes of such physical deterioration as exists, and to suggest means by which it can be effectually diminished. The Committee examined sixty-eight witnesses, of whom half were medical experts. Their Report was published in 1904, and concluded with fifty-three recommendations affecting the urbanization of the people, overcrowding, atmospheric pollution, employment, alcoholism, the depletion of the rural districts, food supply, "the conditions attending the life of the juvenile population," syphilis, insanity, vagrancy, etc. Their recommendations included smoke abatement, whole-time medical officers of health, increased factory and workshop inspection, school medical inspection, school feeding, the teaching of hygiene and cookery in schools, physical training in schools, reform of milk supply, milk depots, crèches, the creation of open spaces, boys' and girls' clubs, and many other social enterprises.

The influence of the Report was considerable in the ten years following it, and many of its recommendations were incorporated in legislation. Perhaps the most far-reaching were the Open Spaces Act of 1906, the Education (Provision of Meals) Act, 1906, the Public Health (Regulations as to Food) Act, 1907, the Notification of Births Act, 1907, the Public Health Amendment Act of 1907, the Act establishing the School Medical Service in 1907, the Children Act, the Acts for health and unemployment insurance, the Maternity and Child Welfare Act of 1918 and the special measures against tuberculosis and venereal disease.

\* Treasury Return, 1934, Public Social Services.

## THE SCHOOL MEDICAL SERVICE

The school medical service quickly extended its operations and exercised a stimulating effect upon collateral movements. It was also a new experience for local education authorities to be directly concerned in health problems, and this aroused widespread interest. It is desirable to consider this far-reaching reform. An ancestry of causes and circumstances led up to the legislation which brought it into being. First, there were the impelling and cumulative lessons resulting from the growth of knowledge of the relation between the physique of the child and its education, a principle appreciated, though not always acted upon, since the days of the great medical philosopher, John Locke; secondly, there was the experience which had been gained under the two Acts providing for the care and education of defective children\*; thirdly, there were two official reports of investigations into the physical condition of children of school age and their premature employment†; and, lastly, these reports were followed by an inquiry instituted by the Board of Education into the administrative issues and requirements of a system of school-feeding and medical inspection.‡ The data thus collected furnished an overwhelming mass of evidence which, taken together, presented a convincing case both of the physical needs of necessitous and underfed school-children and of the administrative means necessary for the introduction of a system of medical inspection and supervision. Hence, in 1906, the Education (Provision of Meals) Act was passed to give power to local education authorities to take certain prescribed steps for providing school meals for necessitous children, and in the following year a clause was included in the Education (Administrative Provisions) Act of 1907 (now incorporated in the Education Act, 1921) which imposed a duty of medical inspection and a power of treatment on the same authorities.

From these beginnings has been built in England a national system of health supervision of the school child, which has been adopted in all parts of the world, comprising the following functions, undertaken by the local education authorities:

\* Elementary Education (Blind and Deaf Children) Act, 1893, and the Elementary Education (Defective and Epileptic Children) Act, 1899.

† *Report of Interdepartmental Committee on Employment of School Children, 1902;* *Report of Royal Commission on Physical Training in Scotland, 1903.*

‡ *Report of Interdepartmental Committee on Medical Inspection and Feeding of Children attending the Public Elementary Schools, 1905.*

- (1) The medical inspection and treatment of the child (5-14 years) in all grades of schools (including medical, dental, and orthopaedic treatment clinics).
- (2) The sanitation of the school premises, the hygiene of education, and the control of infectious diseases in schools.
- (3) Systematic physical education and training.
- (4) The provision of school meals.
- (5) Special and open-air education for defective children (blind, deaf, cripple, mentally deficient, impaired and debilitated).
- (6) Supervision of juvenile employment in relation to physique.

The school medical service has been designed as part of the public health service of the country, and is now available for all children and, in less degree, for adolescents in schools of all classes.\*

This national system is of relatively recent establishment, but already great masses of disease and disablement are prevented or remedied, and organized medical assistance has become an integral part of the public duty of all local education authorities and of their school doctors and school teachers. Hundreds of thousands of children annually are now receiving attention to their physical needs. The result has been an increase in the sense of responsibility of the parent—"the increased work undertaken by the State for the individual will mean that the parents have not to do less for themselves and their children, but more"—a fuller appreciation of the individuality of the child, and a larger understanding of the method and purpose of education. Above all, the school medical service has proved itself a branch of Preventive Medicine by giving a new emphasis to the importance of the *beginnings* of disease; by reducing the results and disabling effects of disease in childhood; by introducing new forms of institution, such as the nursery school, the open-air school, the school clinic, the child's sanatorium or recovery school, and the child guidance centre; by providing physical care and training in the age period between infancy and adolescence, and so laying the foundation for health in adult life; and by establishing the fact that the health of the child is the foundation of the national health.

The final product of a comprehensive system of physical welfare

\* There are some 2,300 medical men and women and 5,300 school nurses engaged in this work; there are 1,650 school clinics for treatment; in London alone upwards of 100,000 children receive medical treatment in the year; there are some 600 special schools for the education and care of 50,850 defective children.

before school life, during school life, and in adolescence, is a citizen educated in hygiene, possessing a health-conscience, and trained in personal and social habits to avoid infection, taught to remove or ameliorate the conditions predisposing to disease, to live in accordance with the laws of health, and to understand that the individual body in health is the first line of defence against disease.

The findings of the medical inspection of school children are recorded elsewhere.\* They show, happily, many healthy children, a good promise for the future; but they show, also, much unnecessary impairment, which creates for the State future expensive problems. The statutory institution by Parliament of the school medical service and its allied movements on behalf of child welfare exerted directly and indirectly a significant and profound effect on local government, and immediately after the war the much delayed Ministry of Health was established in 1919.

#### A MINISTRY OF HEALTH

The Ministry of Health was the most important of the four consolidating central authorities in relation to public health established since 1848. First there had been the General Board of Health (1848–58), followed by the Privy Council (1858–71); thirdly came the Local Government Board in 1871, and it was succeeded by the Ministry of Health in 1919.

The passing of the Ministry of Health Act, 1919, establishing the Ministry of Health, was the outward expression of Parliamentary decision that the national health is of supreme and vital importance as the foundation of the well-being of the individual, physical, mental, and moral, and thus of the well-being of the nation. The national health organization had proved unequal to the task, (i) partly because of a naturally restricted apprehension and vision of the meaning, purpose, and scope of Preventive Medicine; (ii) partly because of lack of co-ordination of the several parts of the organization which had grown up in the course of time, first under the Poor Law Commissioners and subsequently under the Local Government Board, and of their relation to the newer results of the school medical service, the Health Insurance Commission, and the exigencies of the war; and (iii) partly because of diversity, and sometimes even conflict of control and finance.

The Ministry of Health, therefore, is a new central authority created for the purpose of supervising the health of the people *as a whole*,

\* See Reports of Chief Medical Officer of the Board of Education, 1908–33.

and for unifying and simplifying the central agencies working in this behalf. It took over existing medical powers and functions of certain departments, particularly the work of the Local Government Board, the English and Welsh Health Insurance Commissions, as well as that of the Registrar-General. Certain subsidiary public health functions of other Departments were also incorporated, viz. the Board of Control and certain medical duties or responsibilities of the Board of Education, Home Office, and Privy Council, with the object not merely of collecting these agencies from various offices and concentrating them under one roof, but of welding them together and giving them such new orientation as shall be "conducive to the health of the people as a whole." It is a question of new relationship, focus, and outlook, as well as of collection together.

Speaking generally, therefore, the Ministry of Health comprises the Poor Law and Public Health work of the former Local Government Board and the supervision of the medical services associated with the Board of Education. But in addition three other spheres of health work come within its jurisdiction, namely, Housing and Town-planning, Local Government Administration and Finance, and National Health Insurance. In Wales public health and health insurance come within the province of the Welsh Board of Health, which also forms a constituent part of the responsibility of the Minister of Health, who is likewise answerable to Parliament for the statistical duties of the Registrar-General and the duties of the Board of Control for lunacy and mental deficiency.

Before the Local Government Act of 1929 the Ministry of Health was charged with the effective supervision of the Poor Laws and the public health services in the same way as the Local Government Board. That Act as we shall see placed the *local* administration of the Poor Law under the councils of counties and county boroughs in place of the Boards of Guardians, and differentiated poor relief from health services. But the supervision of both remained under the Ministry. The public health services, though enlarged in scope, similarly remained under its authority. How great that scope has become is apparent when we remember that it includes vital statistics, international health work, lunacy and mental deficiency, the Nurses Registration Act of 1919, vaccination, the Therapeutic Substances Act of 1925, water supply and river pollution, public cleansing and refuse removal, baths and washhouses, infectious diseases, isolation hospitals, tuberculosis and sanatoria, venereal disease, cancer, mater-

nity and child welfare, the school medical service, institutional provision for the sick, control of the food supply, milk supply, imported foods, sale of food and drugs, the welfare of the blind, medical officers of health and their staff, and port sanitary regulations. Hardly less onerous are the Ministry's new duties in respect of housing and insurance. There is the maintenance of house property and its sanitation, slum clearance, the provision of new houses (since the Armistice 1,177,863 new houses have been built with State assistance, and 1,150,522 without State assistance), rural housing, public utility societies, and housing finance.

#### NATIONAL HEALTH INSURANCE

The establishment of a national system of health insurance in 1912 introduced a novel scheme with its own *ad hoc* local authority, the Local Insurance Committee. Before that date there were three ways in which the poor obtained medical advice and treatment: by the Poor Law, by the provident dispensary or the voluntary hospital, or by contract "club" practice under a Friendly Society or otherwise. Under the health insurance service the general practitioner ceased to be in the direct employment of his patients, or some benevolent institution acting on behalf of his patients, and entered, if he so desired, the service of the Local Insurance Committees. His patient had free choice of doctor, he had free choice of patient, and both entered a system assented to by the medical profession and the Friendly Societies, in which both doctor and patient had a personal share of governance. This was a substantial reform of the previous conditions of contract practice. It restricted the number of patients per doctor, it provided for treatment within the capacity of the doctor, it protected both doctor and patient against unfair conditions, and it ensured the doctor's remuneration and the patient's contribution and benefit. Thus, so far as the capabilities of the *insurance* practitioner are concerned, the quality of the service given under the Insurance Acts is to be regarded as practically the same as that given by *private* practitioners to persons of the same economic position before and since the Act of 1912 came into operation. It was subject only to such improvement as may have resulted from supervision by the administrative authorities, the better economic position of the practitioner, and not least, his freedom to attend the patient with such frequency as he or the patient may think necessary, without needing to consider the question of cost to the patient.

The result of our health insurance system is that 16,500 medical practitioners are at the call of sixteen million people, when they are sick or incapacitated. The patient, the employer, and the Exchequer each contribute. It is a collective and co-operative arrangement, in order that the patient may in his need obtain "medical benefit" (that is, advice and treatment), "sickness benefit" in cash, if prevented from earning his living owing to his incapacity, or "disablement benefit."\* In a scheme so vast there are many opportunities of criticism by the doctor, the patient, the Friendly Society, and the employer. Claims are made which cannot be satisfied. But on the whole the advantages of the scheme are indisputable. The patient is assured of treatment or cash benefit in his illness; he can obtain the advice of his doctor at the *beginning* of his sickness and before it has become too serious to remedy; and he has no doctor's bill to pay at the time of his illness, a matter of importance which has all too often acted as deterrent to early consultation of the medical man. The doctor is working within the limits of a scheme in which he, or his chosen representatives, has a direct share of control and which gives him a security which he has not enjoyed hitherto. He is spared accounting and collecting his fees, he has no bad debts or unpaid bills, and receives regular remuneration. The system also yields a knowledge of the sickness of the people unknown before. Respiratory disease stands at the head of the list (25 per cent), followed by indigestion (11 per cent), injuries, lumbago, and rheumatism (9 per cent), and septic conditions, influenza, and nervous disease. In 1933 the lost time owing to certified sickness, incapacity, and disablement among insured persons amounted to 29 million weeks, and nearly 15 million pounds were paid in sickness benefit. There can be little doubt that the system readily brings the doctor and patient together, with freedom of choice on both sides, that it is better and more universal than the former club practice, and that owing to the methods of supervision the patient is receiving more and better treatment than formerly. Indeed, there is not lacking evidence that health and unemployment insurance, combined with the widows', orphans', and old age contributory pensions scheme, are proving an invaluable State organization in behalf of Preventive Medicine.

\* The insured person contributes 9d. (man) or 6d. (woman) per week for health insurance and pensions, and the employer 9d. for men and 7d. for women. The Exchequer contributes one-seventh of benefits paid in the case of men and one-fifth in the case of women.

## IV

## THE NECESSITY OF CO-ORDINATION AND UNIFICATION

It is the health of the people as a whole which all the transferred powers of the Ministry of Health were designed to subserve, not the narrower objects alone for which the separate powers transferred were originally created. There emerged the imperative necessity of co-ordination. Some examples will make this issue clear. The medical supervision of school children was introduced in the first instance (in 1907) with the primary purpose of providing that the child was physically fit to receive the education furnished by the State, but the nation had come to see that a vastly larger issue is involved, namely, that the medical supervision of the child is the foundation of the building of a healthy race of men and women. Again, the primary object of the national insurance scheme was to organize the medical treatment of the wage-earner, which might protect him from disability due to disease, and in the event of his becoming incapable of work owing to sickness to provide a money allowance during his incapacity, which would render unnecessary any recourse to the Poor Law. Its purpose sprang partly out of contract medical practice and partly out of the medical work of the Friendly Societies, and it was individual in genius. But it came to be recognized that its magnitude and character could not fail to affect the health of the community as a whole. Once more, the first work of the medical department of the Local Government Board and the local authorities in 1871-72 was concerned with sanitation, the external environment of the people, and the attempt to control pestilence. From 1874 onwards for ten years the Board and the authorities dealt with "filth diseases," cholera, effluvium nuisances, infectious diseases hospitals, public cemeteries, vaccination, water supplies, sewerage, and so forth—all important and essential questions—but the progress of this form of sanitation and the advance of the science and art of Medicine have moved the centre of gravity from external matters to personal matters and from sanitation to preventive medicine—a preventive medicine which is positive rather than negative and which includes curative treatment.\*

Whilst this transference or concentration of various medical powers in a Ministry of Health is relatively clear and straightforward in regard to certain departments, the anomalous growth of medical powers since 1834 means (*a*) that some powers cannot well be separated

\* See *An Outline of the Practice of Preventive Medicine*, 1919, Cmd. 363, price 6d.

from the respective departments exercising them because they are incidental to or dependent upon the non-medical duties of such departments, (*b*) that others subserve different parts of the United Kingdom—Scotland, Ireland, or Wales, (*c*) that the establishment of a Ministry of Health did not solve and could not solve problems of local government or their unification, and (*d*) that the old association between Poor Law and Public Health remained as under the Local Government Board. Hence, whilst Health Insurance was combined with Public Health in the new Ministry, nothing was done immediately in regard to the Poor Law reforms recommended by the Royal Commission on the Poor Laws (1905–09). Moreover, it must not be forgotten that the Ministry, as such, is but a part of an organized scheme for the national health. An organized scheme in any country must include (*a*) a central supervising department (a Ministry of Health); (*b*) local authorities or representative bodies for the actual carrying out of the policy of such a Ministry in the local divisions or areas; (*c*) voluntary societies and agencies; (*d*) an educated people willing and able to practise the way of health. These are four factors, but the foundation of their operations as well as their direction must be the advance of our knowledge of the science and art of Medicine. Hence there is a fifth factor, (*e*) the medical practitioner, in some ways the most important and essential factor of all—for the medical practitioner is, as the term connotes, the *practitioner* of the science of Medicine. He is the instrument, the outpost, the interpreter. Upon him the State has been steadily imposing, for many years, specific duties in regard to the communal health, though it has been slow to associate him closely with its operations. One of the principal objects of a Ministry of Health is to secure his co-operation as an integral and active force in the physical well-being of the nation. There should be a new relation and a better understanding between him and the health organizations of the State, central and local.

#### THE LOCAL GOVERNMENT ACT OF 1929

The Royal Commission of 1905–9 overhauled the whole business of the Poor Law in the light of modern views of the wider application to the poor of the benefits of the public health service, the prevention of pauperism, and the growth of local government which had taken place during the eighty years succeeding the Reform Bill. The Commission agreed unanimously to the abolition of the Boards of Guardians, the unions of parish areas, and the general mixed work-

houses, and they recommended placing the administration of the Poor Law under the directly elected councils of counties and county boroughs acting through committees with varying degrees of autonomy for particular branches of the work or in particular localities. They were also unanimously in favour of preventive and curative Poor Law medical services. This meant what later came to be described as "the break-up of the Poor Law" into its several functions of relief (or assistance) and medical and other services. In a word, "destitution" was to be interpreted not on the line of a poverty scale and its stigma, but the being destitute of one or more of the necessities of a healthy life, and the old framework of repression and deterrence was to be transmuted into a framework of *constructive prevention*. As there had been consolidation of the Public Health Acts in 1875, so there was need for absorption of the Poor Law on the lines of the Commission within the public health service. This was accomplished by Mr. Neville Chamberlain's Local Government Act of 1929. Since 1834 the two streams had run parallel; in this Act they converged into one stream, a Public Health scheme which absorbed the Poor Law.

Two subsidiary but important points call for a word of reference. The first is that of grants-in-aid. It has been an ancient and fixed principle of English law that the expense of the administration of local government should be defrayed out of the rates. As early as 1834, however, the excessive burden of such rates engaged the attention of Parliament, and ultimately grants from the taxes in aid of local rates were approved by the Exchequer. They have been applied to local expenditure incurred in regard to police, sanitation, education, lunacy, and manifold forms of public medical service. They have served as an incentive to local activity, and as a means of direction and control by the central authorities. In the guidance of pioneering undertakings they have proved invaluable, but they have led, naturally enough, to increased central inspection and also to increased local expenditure.

The second point relates to the larger unit of sanitary government. A statutory duty in regard to sanitation began in the towns as far back as the fourteenth century; it spread in the nineteenth to the rural districts; and in 1888 and 1894 it was extended to the counties. The principles enunciated by Bentham and Chadwick were adopted and clarified by Mill in his *Liberty* (1859) and developed in his *Representative Government* (1861). Local constitutions, he argued, should be regulated on the same lines as national ones; there must be community of local interest, of local representation, of local revenue and expendi-

ture; there should be one elected body for all local business; where the local business concerned national interests there should be central superintendence and financial assistance. "The authority which is most conversant with principles should be supreme over principles," he wrote in *Representative Government*, "while that which is most competent in details should have the details left to it. The principal business of the central authority should be to give instructions, of the local authority to apply them. Power may be localized, but knowledge to be most useful must be centralized." The application of these wise principles to the reform of sanitary government is illustrated in the new Local Government Act of 1929.

The main features of this Act may be formally set out as follows:

(1) It abolished the Boards of Guardians and transferred their duties and their resources to the councils of counties and county boroughs, thus concentrating in the hands of those larger authorities a wide range of medical functions which had previously been divided between them and the Guardians.

(2) It transformed directly the statutory basis of vaccination and infant life protection work (previously carried out by the Boards of Guardians) and provided that they were to be discharged as public health functions.

(3) It gave a clear indication as a matter of policy that, as soon as circumstances permitted, any other service which could as a matter of law be performed by local authorities either under the Poor Law or under other powers, should be entirely separated from the Poor Law. The provision of hospitals for the sick, tuberculosis, maternity and child welfare, venereal diseases, mental deficiency, and the welfare of the blind, were services enumerated in this connection. Statutory powers were given to county councils to provide hospitals for the sick and to appropriate for this purpose institutions transferred to them under the Act—powers which were already possessed, or could be obtained, by county borough councils.

(4) It encouraged a policy of co-operation between local authorities and the voluntary hospitals by providing for consultation with the representatives of the voluntary hospitals by any local authority which was contemplating the provision of hospital accommodation in pursuance of the functions transferred to them by the Act.

(5) It contemplated a more active interest by county councils in public health matters:

(i) by placing upon them the duty, after consultation with the district councils concerned, of formulating arrangements for securing the appointment as Medical Officers of Health by the district councils of doctors not engaged in private practice;

(ii) by requiring county councils to make schemes for the provision of adequate hospital accommodation in each county for infectious disease;

(iii) by changing a current annual subsidy from the State into a "block grant" for a period of years, it enabled the larger authorities to provide financial assistance to local sanitary authorities in respect of works of sewerage, water supply, and the public medical services; and

(iv) by providing machinery for the transfer to them of the maternity and child welfare service in areas where they were the authority for elementary education, and were thus already responsible for the school medical service.\*

Here was, in fact, what Milton called "the height of this great argument," an argument which had engaged some of the most active minds in England for more than ninety years. We cannot now, in a brief space, survey, examine, or analyse its main currents and cross-currents. Nor is it necessary in the presence of the classical studies of Mr. and Mrs. Sidney Webb in their comprehensive criticism, *English Poor Law History: The Last Hundred Years*.

#### PRINCIPLES AND EFFECTS ESTABLISHED

From the medical standpoint certain outstanding features should be mentioned. In Spencer Walpole's *History of England* (vol. iii) issued a generation ago, and in numerous Parliamentary inquiries and reports, there will be found a picture of the social life of England at the time of the Reform Bill, and those conditions form the base line from which our judgments must begin. No student of that period can fail to recognize the effect of the national inheritance of the humanitarianism of the eighteenth century, a noble sentiment and a high ideal which was changing the heart of England. Concurrently with it, and inseparable from it, there emerged the political aspiration both for the need of social reform and its achievement by conscious

\* *Fifteenth Annual Report of the Ministry of Health, 1933-34*, Cmd. 4664, pp. 45-88.

effort, and predominant political power was transferred from a landed and hereditary aristocracy and middle class to the nation as a whole. The Reform Bill itself represented a new claim on behalf of the welfare of the community as distinct from the welfare of any particular or privileged class. In the course of the century this came to mean more narrowly the well-being of the individuals forming the community. Yet this did not imply less but greater need for communal co-operation. Since 1835 the population of England and Wales has trebled in number, a fact which alone has created new problems as well as accentuating the old, and has redistributed itself by leaving the fields and congregating in the towns. Problems of the public health have thus changed profoundly for all civilized nations. In the middle of the eighteenth century such problems were, for all nations in the West, not greatly dissimilar from those which concerned the Tudors, or even the ancient world. But with increase of population, with urbanization, and with industrial development, a new situation arose. It is therefore not surprising that co-operation on State or municipal lines became recognized as inevitable.

The history of England since the Reform Bill provides a significant example of this evolutionary process of national polity. First, the necessity of *education* of the proletariat became obvious, expressed by Goethe and subsequently by Brougham in the proposition that only an educated people could be an effective people. It was a far-seeing soldier in Cromwell's armies who declared that when the English people awoke to their liberties they would be hungry. The social records from the days of Robert Owen and Cobbett indicate unmistakably the widespread ferment of aspiration for knowledge, an inspiring story which found its belated fulfilment in 1870, when compulsory and universal elementary education was introduced. It cannot be doubted that national health depends primarily upon education, an education always changing in purpose and method as knowledge grows. Looking back, it may perhaps be held that the provision of public water supplies—for drinking, ablution, sanitation, and town cleansing—was the second most fundamental health reform. A study of the effect of the four cholera outbreaks in England in the nineteenth century is illuminating. The poverty and sickness of large sections of the population in 1831–32 contributed to the passage of the Reform Bill, the second outbreak led to the necessity of communal action by boards of health and the medical profession, and the third and fourth provided the unanswerable case for a pure, wholesome,

and controlled water supply. As in 1349, pestilence again proved the origin of social reform, and the necessity of legislation in its behalf, but this time science and the scientific spirit were ready to mount into the throne of power. Thirdly, the Industrial Revolution revealed very promptly the evils of uncontrolled factory labour, especially by women and children, and the work of Dr. Percival and his young friend Robert Owen and their successors demonstrated the problem and its solution by State intervention, viz. by the Factory Acts and the industrial welfare movement, an instructive and original example of pioneering preventive medicine. Fourthly, it proved a forerunner of a number of *public medical services* which have characterized the process of development of the municipal life of our time. Two centuries ago there came the movement for the establishment of provident dispensaries and the renaissance of the voluntary hospitals. Almost concurrent with them were the voluntary "inoculation" centres, subsequently used for vaccination, as protection against the prevailing scourge of smallpox. Then came the reform of the nursing services, the extended charitable provision of orphanages and institutions for neglected or defective children. With the twentieth century there was the remarkable stream of State public medical services, municipal midwives, physical training at school, school feeding, the school medical service, the Children Act, the maternity and child welfare service, health and unemployment insurance, accident compensation, widows' and orphans' pensions, and so on. Thus the last generation of the century has witnessed a vast extension of the social services of the State, not all of them administered by the municipal corporations, yet all of them "municipal" in principle. It is instructive to observe that since the far-off days of monastic and guild rule in England the practice of the English people has been to proceed from the individual to the communal and from voluntary enterprise to State control.

The contrast between the public health services of 1835 and 1935 is sufficiently obvious. The municipal corporations of 1835 (246 in number) have become the local authorities of 1934-35 (1,800 in number), and their statutory sphere of duty and influence has expanded almost infinitely. "The whole conception of the State," as Lord Morley declared twenty years ago, "has been enormously extended." Its effect upon the national health cannot be doubted, and in conjunction with the social evolution of the people it has been mainly responsible for the extension of human health and life. Without

presenting elaborate tables of vital statistics a single figure may suffice. In 1838 the expectation of life in this country at birth was approximately 39 years; it is now approximately 60. Not only has the general death-rate and infant mortality declined by half during the century, but the special death-rates of the pestilences have almost vanished; plague, cholera, smallpox, typhus, scurvy, and chlorosis have all but disappeared; and the mortality of pulmonary tuberculosis has declined from 2,772 per million in 1851–60 to 639 per million in 1933.

It had been prophesied from the earliest beginnings of governance by the State that to do much for a community is to incite it to do less for itself. We see in the story of the hundred years since 1835 that the whole conception of the duty of the State and the municipality has been enormously extended, we have seen an increasing and insistent demand by the people for more and more aid from the State, but we have little or no evidence as yet, in the realm of public health, of any serious or marked decline in the sense of individual responsibility. It is obvious that the State and the municipality are providing for the individual, on an unprecedented scale, what he cannot provide for himself, and that he is accepting and using the provision. But in England his freedom and his individual choice have been safeguarded; and on the whole his choice is sensible and enlightened, his personal responsibility has not been undermined, nor his individual integrity and sense of justice and duty widely infringed.

## CHAPTER VIII

# HIGHWAYS AND TRANSPORTATION

*by*

THE RT. HON. HERBERT MORRISON

MODERN local government in Great Britain carries a wide variety of responsibilities in connection with the provision of transport facilities and the regulation of traffic. Particularly is this so if we include the police—as we have every right to do outside the Metropolitan Police district—as a part of local government organization.

We may justly claim, as a whole, that the British highway system is among the best—if indeed it is not the best—in the world. Although considerable credit for this proud position must be given to the Ministry of Transport for its work since its establishment after the war, all who travel by road are indebted to local government for the provision of highways of a very high order.

Here and there important highways may have been neglected; rural roads in a number of cases may be below a reasonably desirable standard, although it is proper to take into account the amount of traffic carried or likely to be carried; there is a considerable number of dangerous or blind corners which require attention; and we are still afflicted with a great number of weak and dangerous bridges, many of them in non-municipal ownership.

Broadly speaking, however, British roads are good roads. The last hundred years have witnessed a steady moving away from the old muddle and confusion of highway construction and maintenance. In this work the town councils established under the Municipal Corporations Act, 1835, have played a great part.

Looking over that century we realize that the better highway work was done during the second half, and that the best work has been done in the last quarter of a century, particularly during the period since the war. Indeed, modern road construction under the direction of our best county and municipal engineers has produced a highway of smoothness, comfort, and even beauty. The London-Bath Road, where it has been widened in passing through the Savernake Forest—meticulous care having been taken not to injure the beauty of the

forest—is a splendid piece of work. And yet so little faith had over-apprehensive aesthetic critics for the skill and respect for beauty of the engineers of the Ministry of Transport and the Wiltshire County Council that, after I had sanctioned this widening as Minister of Transport in October 1929, there was a terrific hullabaloo in *The Times* and questions in Parliament.

It is true that the walker and rambler is better advised to make his way by paths and by-ways and to avoid classified roads where it is possible, but assuming, as we must, that modern transport is a fact to be recognized and catered for, the modern British highway is an achievement of which the highway engineer need not be ashamed.

If we are afflicted on many of the new roads with ribbon development, unsightly elevations and bad building lay-out, this is not so much the fault of the highway engineer as it is that of Parliament and those departments of local government which have hesitated to deal firmly with private interests and which have hated the idea of local authorities owning and controlling land beyond their immediate statutory requirements.

Why people like to reside on arterial roads is one of the mysteries of the twentieth century, but one is almost driven to believe that it is so, having regard to the readiness with which new houses are built and sold on the great highways.

But the local authority not only provides and maintains highways; it has many other functions connected with traffic—automatic traffic signals, traffic signs, parking places, bus stations, petrol station regulation, motor licensing, the tricky task of preventing the use of the highways by unduly heavy vehicles and loads, and the multifarious traffic duties of the county and borough police forces.

A large proportion of these duties has evolved as a consequence of the development of motor transport during the present century, the last ten years or so having been a period of inventive and persistent activity—perhaps insufficient and some of it mistaken—with a view to checking the growing insecurity of life and limb on the King's Highway.

Traffic regulation and control are fast becoming a separate science; it is a matter of conjecture whether the municipal highway engineer can with sufficient speed and adequacy become a traffic expert as well as a builder of roads and bridges, or whether the traffic expert is to belong to a separate and distinct profession which has no necessary connection with road making and bridge construction as such.

We live in a local government age which is increasingly dominated by the county and the county borough. The provision of traffic facilities and their regulation, even so, presents considerable problems to these great local authorities.

If we examine the British local government organization of one hundred years ago it will at once be apparent that that organization would have been utterly incapable of meeting the requirements brought about by the motor transport revolution of the twentieth century. Just as the unpaid parish surveyor of earlier centuries, with his annual scratch gang of conscripted road menders, found himself baffled by the wheeled, horse-drawn vehicle, which was condemned by the ratepayers of earlier days almost as much as the "motor fiends" of our age.

In studying the history of British highway administration,\* one of the most extraordinary features that impresses the mind was the long survival of a whole host of very small local authorities in this work. It is only equalled by the persistence with which the Ministry of Health has largely preserved the smaller local bodies as town-planning authorities.

During the earlier part of the nineteenth century there had been a considerable improvement of the main turnpike roads; the Turnpike Trusts had been encouraged to amalgamate; Telford and Macadam had done great things in showing how highway construction could be improved; the case had been demonstrated for the employment of properly paid and qualified engineers and surveyors in the work. Heaven knows there was a case against the Turnpike Trusts for their irritating regulations and the jobbery and inefficiency of many of them, but it is extraordinary that their experience did not impress upon the country the necessity for larger public authorities for highway maintenance.

It must be remembered that, even in 1820, only 21,000 miles of public highway were under the Turnpike Trusts out of a total of 125,000. Miles of important streets in the suburbs of the bigger cities and industrial villages were under small parish authorities.

In 1830 it was still the case that 100,000 miles of various streets, roads, and lanes continued to be under the control of thousands of separate parishes and townships, and that the method of administra-

\* I acknowledge with the warmest gratitude the great assistance I have received from Mr. and Mrs. Sidney Webb's exceedingly valuable work, *The Story of the King's Highway*, London, 1920.

tion continued to be that of the Tudor period, namely personal service, parochial obligation enforceable on presentment by Quarter Sessions; unwilling, mostly unpaid (at any rate directly) and amateur surveyors who, even in the limited number of cases where they were paid, were frequently promoted labourers, bankrupt tradesmen, or unsuccessful farmers.

With the development of the horse-drawn, wheeled vehicle it had become increasingly obvious that the old system of obligatory annual statute labour for short periods in the year, together with the unpaid surveyor, would break down. The consequence was a tendency to impose a highway rate and to employ a contractor in many districts.

Experiments were made with the employment of pauper labour, but this was a miserable failure, as it proved impossible properly to enforce work and discipline.

In 1830 the Justices of the Southwell Division of Nottinghamshire conducted a useful experiment by employing a County Surveyor of Highways to supervise the parishes. And perhaps this was the beginning of the county as an executive highway authority. Certainly there had been plenty of highway legislation about this time, but it had had little result except to increase the muddle.

The general Highways Act, 1835, repealed all existing highway laws other than those dealing with the Turnpike Trusts. Being influenced in part by those doctrines of representative government which are associated with the Reform Act, but neglecting to set up authorities for adequate areas, this statute recognized parish meetings of ratepayers in vestry assembled as the supreme governing body. Where the parishes had a population of more than five thousand, a representative board of management could be elected and authority was given for the nomination in public meeting of a surveyor who could be salaried or who might be empowered to levy a rate. One important thing this Act did do was to terminate the obligation of statute labour and team duty; it also ended the restrictions on wheels and weights.

It must be remembered that at this time no county councils existed. The pre-1888 Quarter Sessions with its administrative and, up to a point, legislative as well as judicial functions, were not looked upon with favour, as the Justices were appointed and not elected, and were largely Tory and aristocratic. Consequently the Act of 1835 left undisturbed the highway autonomy of each "parish, township, tithing, rape, vill, wapentake, division, city, borough, liberty, market town, fran-

chise, hamlet, precinct, chapelry, or any other place or district maintaining its own highways." There was maintained the ridiculous number of fifteen thousand distinct highway parishes in England and Wales. They were without any outside supervision, control, or audit. Considerable agitation and even rioting against the Turnpike Trusts took place in South Wales, in the six counties of which in 1844 the Turnpike Trusts were transferred to County Road Boards. This was definitely legalized in 1860 by the South Wales Highways Act, which also provided for the establishment of highway districts and boards with surveyors appointed by the County Road Boards. Here again we see an early example of county highway administration.

In the meantime the Municipal Corporations Act, 1835, had set up new municipal corporations in many of the towns. This great statute is properly regarded as the beginning of modern municipal government in Great Britain. It was, nevertheless, from another angle that the larger authorities in the urban areas replaced the ancient parishes in highway administration. The need for improved sanitation in the urban areas led to the passing of the Public Health Act, 1848, and this made the new local Boards of Health the surveyors of highways in a large number of newly created urban areas. There continued an obstinate fight by the parishes for the preservation of their separate powers, and a persistent dislike in many parishes to being associated with other parishes, even in the same county.

Nevertheless, under the Highways Act, 1862, a certain number of Highway Boards for combined parishes was established, and about one thousand separate boroughs and urban sanitary districts, which included nearly all the populous towns, managed their own local highways.

In 1872 the Public Health Act of that year—subsequently embodied in the Act of 1875—divided England and Wales for public health purposes into urban and rural (for Poor Law union areas) sanitary districts, including the boroughs, and it transferred questions affecting highways and turnpike roads from the Home Office to the newly created Local Government Board. The Home Office had never regarded itself as having any real responsibility for leading and planning in highway development, and I do not know that much more can be said for its successor, the Local Government Board.

By the Highways and Locomotives Act, 1878, Quarter Sessions were directed thereafter, as far as possible, to make highway districts co-terminous with rural sanitary districts, and thereupon they

were empowered to transfer the functions which would be enjoyed by the Highway Board to the rural sanitary authority. Apparently only in respect of about 10 per cent of the authorities did such a transfer take place; nevertheless, the Act marked the beginning of the rural district council as the successor to the old rural parish as highway authority. Yet even as late as 1894 there still existed five thousand separate highway parishes electing each year their surveyor of highways and continuing to mend their roads by essentially the same procedure as had been followed since 1555.

But the important Local Government Act of 1894 ended the highway districts and parishes by merging them into the new rural district councils. The last Highway Board, however, did not go until 1899, and it was not until the end of the century that the last highway parish passed out of history.

Curiously it was only a few years before that the last surviving Turnpike Trust (that for the Anglesey portion of the Shrewsbury and Holyhead Road) came to an end, namely, in 1895, in which year the last road toll was levied. Even now, however (October 1934), one has to confess with shame that there are still seventy-two toll bridges in England and Wales. By 1830 the British were proud of their network of stage-coach routes through the turnpike roads; 1837 saw the revenue from tolls reach the considerable sum of £1,500,000, which appears to have been their highest point. But just as to-day the railways complain of the disastrous effects of road transport competition, so at that time the stage-coach proprietors and the Turnpike Trusts had reason to complain of the dramatic development of the railway, which they regarded as nothing short of a calamity.

The contributions of the stage coaches to the Turnpike Trusts were substantial. Mr. and Mrs. Webb state that a stage coach travelling daily between London and Manchester contributed over £1,700 a year to different trusts, it being estimated that each coach paid something like £7 per year per mile. But the railway was quicker and cheaper, and everybody preferred to travel by rail where services were available. The consequence was that between 1837 and 1850 revenue from tolls fell by over £500,000. The financial basis of the trusts had always been shaky. The cost of toll collection and general administration was high, and was not decreased by the considerable jobbery that went on.

With the development of railway competition there was a tendency for the turnpike roads to divert expenditure to the parish, whose

common law liability to maintain the highways had never been taken away. Moreover, the Justices were authorized to order a contribution by means of highway rates towards the maintenance of the turnpike roads. This in itself created the undesirable situation that the parishes were required to contribute to the maintenance of highways not in their management, and discontent was quite naturally manifested. In addition there was considerable complaint as to the frequency of the toll gates. This led to physical-force action in South Wales, where many turnpike houses and gates were destroyed. So critical was the situation in South Wales that the Turnpike Trusts were merged in the new County Road Boards and the Government advanced £218,000 to help pay off the creditors of the former trusts. There was, however, a failure to agree on a county authority for England.

In the 'sixties Turnpike Trusts were dropping out at the rate of twenty to thirty a year, the roads being handed over to the highway districts or parishes. An Act of 1870 dispensed with no fewer than seventy-eight trusts, and by 1871 Turnpike Trust tolls were brought to an end in London; although even now a toll is collected on the private road belonging to the College Governors of Dulwich College at Dulwich Village in south-east London.

Between 1871 and 1883 the number of Turnpike Trusts fell from 854 to 71. In 1883 the Scottish Turnpike Trusts ceased to levy tolls. In 1887 only 15 Trusts had survived; by 1890 the number was reduced to 2, and, as stated above, they came to an end in 1895. During this period an increasing burden had been placed on the shoulders of the public highway authorities. In 1876 the burden was mitigated by a Government grant-in-aid of about £200,000, which was made particularly in respect of "disturnpiked" roads.

The Highway and Locomotives Act, 1878, required the Justices in Quarter Sessions to contribute from the County Fund 50 per cent of the annual cost of maintenance of those roads which had been "disturnpiked" after 1870.

Then came the great Local Government Act of 1888, which I venture to think was no less important in local government history than the Municipal Corporations Act, 1835. The Act of 1888 created the great county councils to whom additional powers have been added ever since. The obligation was placed on these new county authorities, which took over the non-judicial functions of Quarter Sessions, to maintain entirely the "main" roads, with power to add to the disturnpiked roads such others as they might think fit to regard

as "main" roads. Power was conferred on the county councils to contribute to the cost of other roads under the district councils.

The extraordinary thing was not that this change happened in 1888, but that it had not happened many years before. But it cannot be said that the British have ever been in a hurry to reform and bring up to date the organization of local government; the tradition of small authorities dies hard.

As the Local Government Act, 1894, had placed the lesser roads under the urban and rural district councils, the position just before the war was that highways were administered within boroughs or urban districts by borough or district councils, and that outside these areas the main roads were under the county councils, the others being administered by rural district councils.

At this point let us have a look at London, which has perhaps always been the worst example of complexity in British local government. The Local Government Act of 1888, which created the provincial county councils, also created an important new authority for London under the title of the London County Council, despite the fact that its area and duties were very different from other county councils, and that certainly to-day it has more resemblance, on a large scale, to the corporation of a great county borough than to that of a provincial county council.

Apart from the highways of the Thames embankments, which under an order of the Minister of Health passed to the Metropolitan boroughs and the City Corporation in 1933, the Thames bridges (outside the City), Rotherhithe and Blackwall tunnels and Woolwich Ferry, the London County Council, which was the successor to the Metropolitan Board of Works, has never been a highway authority.

It is extraordinary, but it is a fact, that although Parliament met in its midst, London outside the square mile of the ancient City had practically no recognized system of local government prior to the Metropolis Management Act, 1855. Things were bad enough after, but before 1855 the administration of London was utterly chaotic. In many districts, particularly where the poor lived, there was no ordered sanitary administration, and what self-constituted bodies did exist were uncontrolled, inefficient, and wasteful. All sorts of odds and ends of authorities existed, including Lighting Commissioners, Paving Commissioners, Turnpike Boards, and Directors of the Poor. In a limited number of cases they were supposed to be elected by the ratepayers, but the whole business was hole-and-corner and corrupt.

Their powers depended in the main upon local Acts of Parliament which were more numerous than orderly, for Parliament seemed to have no consciousness even of the existence of London parishes, let alone the corporate existence of London town.

In the smaller London of those days there were, according to Sir Benjamin Hall, fully 300 of these atrocities of public administration, with a membership of about 15,000 acting under some 250 different local Acts.

In introducing the Metropolis Management Bill, Sir Benjamin Hall, dealing with the London parish of St. Pancras, stated:

"The manner in which so many different Boards were created was this: when a person had some land which he wished to let out on building leases, he applied for an Act of Parliament. . . .

"In the Camden Town district there were fifteen self-elected Commissioners, of whom about seven attended. There was no treasurer. There were 4½ miles of road, and they spent £408 17s. od. for officers' salaries, the whole expenditure for paving being £336, exclusive of lighting.

"Take the Doughty Estate: rate 2s. 6d. in the pound; there were eighteen Commissioners, and the sum expended for repairs £1 17s. 4d., while they were expending for salaries £183 8s. 9d.

"On the Lucas Estate Paving Board they have about three-quarters of a mile of road, pay £38 19s. for paving, and £117 14s. for salaries and collection."

According to a report issued by the vestry of St. Pancras in 1890 there were in those earlier days three areas in the parish, two of them with a dense population of poor people, which, in respect of lighting, paving, and cleansing, had no Board or public body whatever to administer their affairs. The miserable story is summarized in the introduction to the *Boroughs of the Metropolis* by A. B. Hopkins, M.A., London, 1900.

Despite the fact that the Commissioners upon whose report the Municipal Corporations Act, 1835, was based, favoured London being treated similarly to other municipalities, it was not until 1855 that Parliament tried its hesitating hand at setting up some system of local government for the metropolis. It was in that year that the Metropolis Management Act was passed which brought into existence, in what is now (roughly) the County of London, about forty administrative vestries and district boards. Among other duties was that of paving,

lighting, and cleansing the highways, including the alterations and extension of streets, they being given the status of Surveyors of Highways.

The Metropolitan Board of Works came into existence under the same rather miserable Act of 1855. It was charged with the administration of a number of matters which could more effectively be done by a central authority; these powers included those of public improvements. The old Metropolitan Board of Works constructed a number of new main thoroughfares, and effected important London improvements. It was, however, an indirectly elected body, and partly owing to its unsavoury reputation the London County Council succeeded it under the Local Government Act, 1888.

The administrative vestries and district boards survived to the end of the nineteenth century, when, under the London Government Act, 1899, twenty-eight Metropolitan Borough Councils were created to share the local government of the administrative County of London with the London County Council and the City of London Corporation. These authorities, apart from bridges, tunnels, and Woolwich Ferry and county improvements, are the highways authorities for the County of London. Whatever may be said as to the necessity or otherwise for twenty-eight bodies for this purpose in London, it is undoubtedly the case that under their administration highway maintenance in the metropolis has greatly improved.

Local authorities concerned with highways construction and maintenance immediately prior to the introduction of the Local Government Act, 1929, were as follow:

*England and Wales*

County Councils	..	..	..	..	..	..	..	62
County and Metropolitan Boroughs	..	..	..	..	..	..	..	112
Non-County Boroughs and Urban District Councils	..	..	..	..	..	..	..	1,039
Rural District Councils	..	..	..	..	..	..	..	665

*Scotland*

County Councils	..	..	..	..	..	..	..	33
Large Burghs	..	..	..	..	..	..	..	24
Small Burghs	..	..	..	..	..	..	..	176
District Committees	..	..	..	..	..	..	..	99

Total for Great Britain .. .. .. .. .. .. .. 2,210

Despite the legislative consolidations of the nineteenth century we were still left with an enormous number of highway authorities for

a small country like Great Britain. The evil of this situation had been recognized by many people, but there was apprehension in dealing with the problem lest Parliament would not face up to the opposition of the smaller authorities, particularly in the rural areas.

The Local Government Act, passed by the Conservative Government in 1929, was largely argued by its sponsors as a measure of financial equity which was to secure a greater equalization of rates among the local authorities by spreading the burden of local expenditure over larger areas. Whilst there was truth in this claim, it is perfectly clear that at least as important a purpose was to reform and consolidate local government.

To county councils were transferred the highway functions of the rural district councils, though agreements might be made whereby the rural district councils acted as agents for the county authority, disputes being referred to the Minister of Transport. I handled these ministerial arbitrations during my period of office as Minister of Transport, and I am pleased to say that the task proved much easier than I anticipated, largely owing to the good work of the Ministry's divisional road engineers.

With certain exceptions the main roads in the urban districts and the non-county boroughs passed to the county councils, the urban district councils retaining the minor roads. The principal result of the Act, therefore, was to abolish the rural districts as highways authorities, except in so far as some of them were permitted to act as the agents and under the direction of the county councils.

A comparison of the following table, showing the number of highways authorities at the time of writing compared with the table given above, show that the authorities have been reduced from 2,210 to 1,415 under the 1929 Act:

<i>England and Wales</i>						
County Councils .. .. .. .. .. .. ..	62					
County and Metropolitan Boroughs .. .. .. .. .. ..	112					
Non-County Boroughs and Urban Districts .. .. .. ..	1,015					
<i>Scotland</i>						
County Councils .. .. .. .. .. .. ..	31					
Large Burghs .. .. .. .. .. .. ..	24					
Small Burghs .. .. .. .. .. .. ..	171					
Total for Great Britain .. .. .. .. .. .. ..	1,415					

Between them these authorities are responsible for 26,663 miles of Class I roads; 16,774 miles of Class II roads; and 134,385 miles of unclassified roads; giving a total road mileage under the local authorities of 177,822.

We have already observed that the end of the nineteenth century saw the end of the Highway Boards and Highway Parishes and the Turnpike Trusts and their tolls. There had been considerable improvements in highway engineering, and qualified salaried surveyors had become fairly common, although it was still the case that a considerable number of badly paid, unqualified engineers existed.

There was an absence of Government supervision and inspiration; the policies of the local authorities varied enormously; the expenditure on highway maintenance and construction had increased considerably since 1890, particularly in the counties, although there was a tendency to slow down developments. Then, just as the parishes of earlier days had been unwillingly faced with the problem of the wheeled vehicle, so the highway authorities at the end of the nineteenth century witnessed the coming of motor transport. And the farther we advanced into the twentieth century the more rapid was the growth of motor traffic for the carriage of goods and persons.

Directly it was clear that motor transport on a large scale had come to stay, it was also clear that highway policies and programmes must be examined far beyond local government boundaries. But here, again, we were shockingly slow. Moreover, the great improvements in the bicycle at that time had brought a vast army of cyclists on to the highways.

No effective work was done by the old Local Government Board to co-ordinate the work of the local authorities and to plan through roads. No effective national leadership or advice was available in connection with the considerable changes needed in the technique of road construction, although it must have been obvious that the passing of the horse and the requirements of the motor indicated the need for a more level road, the abandonment of the severe camber on either side of the road, and the provision of super-elevation on road turns. Clearly, also, attention would have to be given to road foundations unless the heavier motor transport was to be prohibited.

Not until 1909 was the fact recognized that there were growing national aspects to the highway problem, and even then the recognition did not amount to much. In connection with the 1909 Budget a Road Board was set up under the Board of Trade with revenues from

motor taxation. The revenue was limited, and the Government was cautious in the authorization of grants. Grants could only be made by the Road Board towards constructional improvements. Not unnaturally in the circumstances main road improvements were favoured and the bulk of the money went to the county councils, so that the fund was of small advantage to London, the county boroughs, the rural districts, and even urban districts.

Many of the municipal and county engineers did splendid work in the improvement of highway construction and maintenance. In the pre-war period they taught us much as to the requirements of the new traffic. The users of the highway are indebted to them and to the local authorities who gave them their head for the valuable research and experiment in which they engaged. In other cases we cannot be as complimentary; it must be confessed that many authorities were faced with substantial financial problems even if they desired to pursue a progressive policy. But the municipal and county engineers, apart from the limited assistance they received from the officers of the Road Board after 1909, were without the advice and inspiration of that exceptionally skilled, technical experience which should have been placed at their disposal by the State.

Just as Telford and Macadam had almost to force their qualities on the attention of Parliament, so the new and powerful class of motor users, together with the local authorities, had to fight hard to make the State take an adequate interest in the highway problems created by the rapidly growing motor transport industry, including the motor bus and the motor lorry as well as the private car. It was not until after the war that Great Britain became fully road conscious. In those hectic days of a not very satisfactory post-war "reconstruction" period—when there was, indeed, a tendency to think we could not have too many roads—highway construction and improvement became one of the high lights of politics and one of the main "cures" for unemployment!

The Ministry of Transport Act was passed in 1919. The first Minister, Sir Eric Geddes, was put into the Cabinet straight away. It became what was subsequently called a "grandiose" department. There was a reaction against its elaborate beginnings; its staff was cut down, and except for the period when the present writer was in the Cabinet, the Minister of Transport has never been in the Cabinet since the days of Sir Eric Geddes. But the administrative and engineering staff of the Ministry have done a great work for the improvement and

development of the British highway system, notwithstanding the fact that the Ministry has been threatened with death on a number of occasions and starved for money by the Treasury quite often. Its roads department, chief engineer, and divisional road engineers established a happy relationship with the local authorities, the engineering staff of the Ministry acting as the helpful colleagues and big brothers of the hundreds of municipal and county engineers rather than as their superiors.

The first chief engineer, under the title of Director-General of Roads—Whitehall was full of Director-Generals in those days!—was Sir Henry Maybury, formerly county surveyor of Kent, a live wire who ably handled the rush of post-war road problems. The present holder of the office is the quiet and highly competent chief engineer, Sir Charles Bressey. It should not be thought for one moment, however, that all the good work was done by the Ministry, for the officers of the Ministry will be the first to agree that they acquired enormous knowledge as the result of the fine work of a wide variety of local authorities.

The general high standard of British roads to-day is an effective testimony to the quality and adaptability of British local government, no less than to the fine work of the Ministry of Transport.

The costs of highway construction, improvement, and maintenance since the war have considerably increased, and they constitute a substantial proportion of local government expenditure. The work could not have been done effectively had not substantial grants been made by the Minister of Transport out of the Road Fund, these grants now normally being 60 per cent for Class I and 50 per cent for Class II roads; the grants for some highway purposes and for some authorities have, however, been merged in the General Exchequer Contribution payable under the legislation of 1929.

Nowadays the functions of local authorities in respect of the highways extend much beyond the construction and maintenance of roads and bridges. For a long time they were the licensing authorities for public service vehicles, but this power was transferred to the Traffic Commissioners under the Road Traffic Act, 1930. In co-operation with the Ministry of Transport, however, they have become involved in ever-widening activities of traffic control and regulation in the interests of safety. Their police deal with traffic control problems and motor offences; their engineers see to the installation and maintenance of automatic traffic signals and the painting of the highways with white

lines, "dead slows," and other encouragements to the motorist to be circumspect. They can provide parking places for private cars and charabancs, and stations for omnibuses. The counties and county boroughs collect licensing fees and motor taxation for the Ministry of Transport. The modern municipality has big responsibilities and varied duties in connection with transportation, quite apart from the fact that many of them operate public transport undertakings. Certainly in the departments of local government administration with which this chapter of the present volume is concerned, the developments of the century have been enormous.

## CHAPTER IX

## HOUSING AND CIVIC PLANNING\*

*by*

SIR ERNEST SIMON

## CONDITIONS IN 1835

A HUNDRED years ago England was in the midst of the Industrial Revolution. The population was increasing with extraordinary rapidity: great industrial agglomerations were growing up round small and ancient centres.

Along with the growth of population went the building of thousands of houses. Uncontrolled, and almost unnoticed, the slums were being created which we are striving so hard to-day to abolish. "Slums offending every rule of health were built round insanitary factories. Trout streams were converted into foul sewers, and every open space was a rubbish heap."

Great cities were growing up unforeseen, unplanned, uncontrolled, as Corbusier says "a disaster to mankind."

The growth of the population was astounding. The following table gives the figures for some of our large cities between 1760 and 1851.

		Estimated 1760	Estimated 1800	Census 1851
Liverpool	.. .. ..	40,000	78,000	376,000
Birmingham	.. .. ..	30,000	61,000	233,000
Manchester	.. .. ..	30,000	70,000	316,000

Other towns showed similar growth. England was changing rapidly from a rural to an urban civilization. By 1851 half the population of the country was living in urban districts; by 1881 over two-thirds.

Not only were the houses which were rushed up to meet the needs of the growing urban population small, badly built, and badly arranged, but there were none of the public services to which we are now

\* I have to thank Mr. J. Inman for valuable help in the preparation of this essay.

accustomed. So long as there is a pure water supply, a country cottage may be healthy without any other service. The road may be deep in mud, and manure may be piled up near the front door till carted away for use in farm or garden, but with plenty of sun, air, and open space a family may yet be able to live a healthy life. But when such houses began to be built round factories for a teeming population, forty, fifty, or sixty to the acre, with the same disregard of services, the results were bound to be very different. A well which gave pure water to a few cottages quickly became polluted by the cesspools of a crowded slum.

No means were provided for disposing of the refuse, especially "that most repulsive refuse which consists of the waste products of the human body." It was often piled up in the streets or courts and left in heaps to rot and ripen till it paid some farmer to come and cart it away. In country districts this may not matter much: in a closely packed community it must inevitably be a breeding ground for disease.

There were few paved roads or footpaths, no drainage system, and few towns had any general water supply. Numerous descriptions of the state of the towns at this time exist; they all have the same features. Miserable houses were surrounded by a morass of filth and mud. "Foul drains, overflowing cesspools, fetid waters, overcrowded lodging-houses, damp cellars, and ill-ventilated rooms attracted the pestilence."

Chadwick, the great sanitary reformer, reports "Many of the streets in which cases of fever are common are so deep in mire, or so full of holes and heaps of refuse, that the vehicle used for conveying patients to the house of recovery cannot be driven along them and the patients are obliged to be carried to it from considerable distances."

Water supply might consist of a pump for thirty or forty houses; sanitary accommodation of one or two privies for the same number of houses. There was no obligation on their owners to keep their houses in decent repair, or to prevent them from being overcrowded, there was nothing to prevent any sort of hovel being used as a human dwelling. Most of the big towns had thousands of houses built back-to-back and in courts, and thousands of one-roomed cellar dwellings, often occupied by a whole family. The new urban proletariat was for the most part very poor; in many of the big towns conditions were made worse by Irish immigration, which brought in people accustomed to a much worse standard of life and exercised a generally lowering effect on the conditions which prevailed.

The following vivid description, written by Engels in 1844, of con-

ditions in Manchester gives some idea of what it must have been like to live in the slums in those days.

"In a rather deep hole, in a curve of the Medlock, and surrounded on all four sides by tall factories and high embankments covered with buildings, stand two groups of about two hundred cottages, built chiefly back-to-back, in which live about two thousand human beings, most of them Irish. The cottages are old, dirty, and of the smallest sort, the streets uneven, fallen into ruts and in part without drains or pavement; masses of refuse, offal and sickening filth lie among standing pools in all directions; the atmosphere is poisoned by the effluvia from these, and laden and darkened by the smoke of a dozen tall factory chimneys. A horde of ragged women and children swarm about here, as filthy as the swine that thrive upon the garbage heaps and in the puddles. . . . The race that lives in these ruinous cottages, behind broken windows, mended with oilskin, sprung doors, and rotten doorposts, or in dark, wet cellars, in measureless filth and stench, in this atmosphere penned in as if with a purpose, this race must really have reached the lowest stage of humanity. . . . What must one think when he hears that in each of these pens, containing at most two rooms, a garret, and perhaps a cellar, on the average twenty human beings live; that in the whole region, for each one hundred and twenty persons, one usually inaccessible privy is provided!"\*

#### SANITARY REFORM

Such conditions had their inevitable result: epidemics of cholera, typhus, and plague were frequent during the first half of the nineteenth century. In the large towns death rates of 40, 50, and even 60 per 1,000 were not unknown; in Bradford, for example, the average expectation of life was only twenty years.

Little was to be expected from the local authorities in the way of reform or even of protest in the days of the old parishes and townships. Even after the Municipal Corporations Act of 1835 progress was at first slow. The councils were for the most part in the hands of property owners, tradesmen, and industrialists, who showed little sense of civic conscience as regards the evil social conditions that were being created so fast in the slums.

\* *The Condition of the Working Class in England in 1844* (George Allen & Unwin).

It was the prevalence of sickness, and particularly the danger of the extension of such epidemics as cholera and typhus from the slums to the middle-class districts, which brought about the first attempts to improve matters. The first important sign of any public concern in regard to insanitary conditions seems to have been shown in a memorandum to Parliament by the new Poor Law Commissioners in 1838. In this memorandum they described the appalling sanitary conditions in London, pointing out that epidemics and sickness were the main cause of expenditure on poor relief, and that if they were to be avoided in the future a public health code and measures for dealing with insanitary conditions were essential.

From this time on there was almost continuous activity in dealing with the question of improving the sanitary conditions of housing. The main driving force came from Chadwick, Shaftesbury, and a few other reformers of the middle and upper classes. As a result of their efforts, there was a series of official inquiries into sanitary conditions both in London and the provinces, the most important of which was the famous Health of Towns Commission of 1844. These inquiries led up to the Public Health Act of 1848. This Act provided for the first time a more or less complete code of public health, and established for a period of five years a General Board of Health, under Shaftesbury and Chadwick, to see that the work was effectively carried out.

There was at that time little experience of the control of local authorities from London; the Board was autocratic and tactless, and its methods caused such resentment that it was abolished at the end of the five years. But the drive for sanitary reform continued; the local authorities were gradually strengthened and learned their work; medical officers of health were appointed; private Acts of Parliament were obtained by the more progressive cities.

The progress made naturally varied a good deal in different places, according to the conditions prevailing and the strength of local feeling in favour of reform. The powers obtained by some towns through Private Acts were in advance of the prevailing national legislation, and served as models for its future strengthening and amendment. As an example of this we may take the case of Liverpool. Liverpool had suffered more than most towns from epidemics and insanitary conditions owing to its experiencing the full impact of Irish immigration and its position as a seaport town. At the same time its newly constituted town council showed an unusual degree of

responsibility and public spirit. Even in pre-reform days the old Liverpool Corporation had obtained in 1748 an Act of Parliament for lighting, cleansing, and watering the streets. After 1835 a number of Private Acts was obtained; one in 1842 gave the Corporation powers to restrict the building of courts; in 1846, following on reports by Dr. Duncan, who was the city's first Medical Officer of Health, and the first to be appointed in the country, a comprehensive sanitary Act was passed, which was in many respects a model for the general Public Health Act of 1875. This Act gave the Council power to deal with the sewerage system and to provide an adequate water supply. Further, under this Act a campaign against insanitary housing conditions was begun, many years before most towns had begun to pay any regard to housing at all.

In 1868 a big step forward was taken by the appointment of the Royal Sanitary Commission, which reviewed the whole situation relating to public health. Its report led to considerable changes in the law, and laid the foundations of public health administration as we know it to-day. The most important of these changes were as follows. First, the local administration of public health was simplified by the abolition of the numerous and conflicting *ad hoc* boards and commissions which had existed hitherto and the concentration of powers in a single authority—in the towns the town council and in the country districts the Board of Guardians. Second, a strong central body was brought into existence, by the creation of the Local Government Board in 1871; effective central control had been seriously lacking since the termination of the old Board of Health. Third, the use of public health powers was made compulsory, and the Local Government Board was entrusted with the duty of seeing that they were put into operation by the local authorities.

Further, the powers of local authorities to deal with insanitary conditions were extended and strengthened; and in the great Public Health Act of 1875 the code of sanitary administration was established, in essentials complete in the form in which it exists to-day. Since that date progress in public health has consisted for the most part in administering and utilizing the powers given by that Act.

The greatest achievement of our city authorities during the last hundred years has been the conquest of insanitary conditions. In the typical city of a hundred years ago there was no sanitation. In the typical city of to-day the Highways Committee provides excellent roads, well paved and well drained. The Waterworks Com-

mittee brings an unlimited supply of pure water, often from some distant lake, into every house in the city. The Public Health Committee insists on the provision of a water-closet in every house, the refuse from which is taken away by the main drainage system under the Main Drainage Committee and made into valuable products. The dry refuse is collected regularly by the Cleansing Committee and dealt with in a similar manner.

It is only by the co-operation of these five separate committees of the City Council, each with an able and experienced head official controlling a highly trained staff, that it has been possible to provide the healthy surroundings which seem to us to-day as natural and inevitable as the foul and insanitary conditions of the slums did to our ancestors of a hundred years ago.

#### HOUSING REFORM, 1868-1914

But while this public health campaign was being waged, the house itself was neglected. The worst type of slum house continued to be built without any control right up to 1868. The speculative builder was free to build whatever type of house he thought would command a ready sale. He could, and did, in the poorest parts, crowd as many houses on the acre as space would hold, and when he had built two rows of houses along a narrow street he could add several courts, disposed at intervals along the street, containing still more houses. He could build his houses back-to-back or "blind," i.e. with no doors or windows on the back. He was under no necessity to provide yards or air space round the houses. He took no trouble about foundations: stone flags were frequently laid on the bare earth, and there was no compulsion to put in a damp-proof course. Windows might be the smallest size possible, and often were not made to open. Even when houses were not built back-to-back they had very little space at the back, and sanitary accommodation in the form of a privy midden was frugally allotted to several houses, often at a considerable distance. One water tap would serve several houses. The 1829 maps of Manchester show a pump in each street which was possibly the sole water supply. The photograph of a court now demolished shows one water tap *fixed on the face of a pail-closet* for a whole row of houses.

About 1868 reforming energy turned from the problem of sanitation, now well on the way to being solved, to the improvement of the quality of the house itself. It is true that one or two Acts of Parliament had been passed with this object in mind, and that a few local authorities

had taken some action through private Acts or in other ways, but broadly speaking nothing effective had been done. From this time on the subject was taken up seriously.

In 1885 the famous Royal Commission on Housing was appointed, the membership of which included the Prince of Wales and a number of other distinguished persons. It undertook inquiries into housing conditions, especially in London, and came to the conclusion that they were extremely bad, and that little or nothing was being done to remedy them. The recommendations of the Commission were given effect to in the Housing Act of 1890, which remained the principal statute until 1925. This Act consolidated, amended, and strengthened the whole law relating to housing, dealing in three separate parts with the three different aspects of housing legislation: (1) the power to improve the individual house by repairs or "reconditioning"; (2) the power to clear whole areas of slums and to rebuild with better houses; (3) the obligation to build new houses of a better type.

Let us consider separately the history of these three main lines of attack on the housing problem.

#### RECONDITIONING

In 1868 the Torrens Act was passed, giving local authorities powers to improve existing houses by means of repairs or reconditioning. Perhaps the best work on these lines was done by Manchester under their local Act of 1867. This Act was the first to lay down that houses which are "unfit for human habitation" shall be closed without compensation to their owners. The Town Clerk of Smethwick writes: \* "It is surely a monumental tribute to the prescience of the public administration of Manchester as far back as 1867 that, by the epoch-marking Manchester Improvement Act of that year, there was planted the root-stock from which has sprung the whole slum-clearance legislation of this country. The civic fathers of Manchester procured from the Parliament of the Derby-Disraeli Administration the most summary power of closure of unfit property ever embodied in a statute and wholly without liability to compensate. The principle was reflected in the public general statute of the following year. It has been maintained without intermission throughout the whole course of housing legislation. . . ."

The clause in the Manchester local Act authorized the Council, on the certificate of an Inspector of Nuisances that a house was unfit

\* *Manchester Guardian*, October 31, 1934.

for human habitation, to make a Closing Order. When such an Order was made the house had to be closed under penalty; but if the landlord, by reconstructing the house, made it fit for habitation the Order could be revoked.

The early records of action taken under this clause cannot be traced; but as time went on activity seems steadily to have increased. In the last ten years before the war an average of no less than 2,000 houses were dealt with each year with remarkable results. Manchester had at one time 10,000 back-to-back houses. There are now less than 40. Cellar dwellings have been abolished; courts have been demolished and the worst congested areas have been opened up, thus letting light and air have access to the dwellings. Obstructive houses have been pulled down, houses have been "sliced" to allow for larger courts, privy middens have been abolished, and there remain only about 1,000 pail closets. Apart from these, nearly every house has now its own separate backyard, its own separate w.c., and water laid on in the house. The total number of houses dealt with on these lines is estimated at over 27,000, of which 7,000 have been demolished and over 3,000 added to other houses in the process of turning "back-to-backs" into "throughs."

This is a great achievement. There can be no doubt that it is by far the most effective and far-reaching piece of reconditioning that has yet been carried out in England. The worst kind of slum, still common in other cities, does not exist in Manchester.

Other cities carried out similar work: a good deal has been heard about the reconditioning in Birmingham, which, however, was not so thorough or far-reaching as the achievement of Manchester. Other towns did less, some did nothing at all.

But it must be recognized that the reconditioning of the old slum cottage is at best patchwork. Owing on the one hand to the age and worn-out condition of the houses, and on the other to the rising standard of housing, the reconditioned slum cottage can to-day no longer be regarded as reasonably fit for habitation.

#### SLUM CLEARANCE

In 1875 the "Cross" Housing Act was passed, giving local authorities power to demolish bad areas; the Housing Act of 1890 gave certain additional powers. A few clearance and rebuilding schemes were carried out by the larger authorities, especially London and Liverpool. But the difficulties were found to be so great, the procedure so slow, the cost

so high, that the total amount of work done under these Acts in pre-war days was almost negligible. It was useful in giving experience of the difficulties of slum clearance, but made no real contribution to the national housing problem.

#### THE STANDARD OF HOUSING

Meanwhile, efforts were made to improve the standard of housing by means of byelaws. Some of the larger and more progressive towns had obtained powers to establish byelaws by means of private Acts of Parliament in the 'fifties and 'sixties, and one of the most important features of the Public Health Act of 1875 was that it made byelaw standards of general application. Byelaws were used to lay down minimum conditions for the house itself, such as the size and height of the rooms, and the area of windows; later on damp-proof courses were made obligatory. They also dealt with the surroundings of houses, insisting on wider roads in front and often on a separate yard for each house behind, so as to secure light and air. Where byelaws insisted on a separate yard for each house, back-to-back building was at once stopped. It is interesting to note that in some towns back-to-back building was stopped from as early as 1850 onwards, though it was not made illegal by Act of Parliament until 1925. Sanitary conditions, such as the provision of proper drainage, separate water supply for each house, and water-closets, were also dealt with by means of byelaws.

Although the houses built under early byelaws were a great improvement on what had gone before, yet the typical "byelaw street" is far from beautiful. It consists of long, straight, monotonous rows of narrow-fronted houses, often built right on to the street without front gardens and with only a small enclosed yard at the back. But the byelaws in all cases stopped the creation of the worst slums, and as time went on the standards which they laid down were raised. Generally speaking, "byelaw houses" built since about 1890 are of quite a good standard, though monotonous and unattractive in appearance; but few of the houses built before that date would now be regarded as fit for habitation.

During the war a reconstruction committee was set up, under the chairmanship of Sir Tudor Walters, to consider what type of house should in future be built for the working classes. The famous Tudor Walters Report laid down an entirely new standard of working-class housing; a standard which had not even been dreamt of in pre-war days. It recommended that the houses should be built not more than

twelve to the acre, each standing in its own garden, in a well-planned estate; a large living-room with a sunny aspect was laid down as essential, and every house was to be fitted with a bath, in a separate room, a water-closet approached under cover, a larder of reasonable size, and a coal store. This standard of housing, which has been accepted by all Governments since the war, and has been enforced on all local authorities, has superseded the standards established by means of local byelaws.

We believe that the constant improvement in housing standards which we have sketched has now reached its goal. The contrast between the hovel of a hundred years ago, which still exists in the slums, and the Tudor Walters cottage as built on new housing estates throughout the country, must be seen to be believed. All the requirements of a full and healthy life are met on the new housing estates, so long as the houses are not overcrowded. The amount of work required in keeping the house and garden of this kind in order is as much as the average tenant is likely to have time for: a larger house would make the work beyond the capacity of the average housewife.

It is difficult to see how this standard can be improved. No doubt various devices will be invented which will save the housewife trouble; possibly there may be a movement towards communal cooking and wash-houses; probably it may be found desirable to vary the size of the gardens more than is generally being done at present. The only important change which may happen and which would be inconvenient in the new houses would be if the majority of the tenants became rich enough to need garages.

On the whole we believe it is safe to assume that the Tudor Walters cottage may be regarded by town planners as a permanent standard.

The main English contribution to housing and town planning has been a separate house set in its own garden. In pre-war days only the middle classes had houses of this type; but since the war no less than two million new houses with their own gardens have been built, not only for the middle classes, but also for the working classes.

In the central parts of cities, where land values are high, it will, however, continue to be necessary to build blocks of flats of probably four or five storeys in height. Tenement blocks built in pre-war days, even by municipalities, were inconvenient, ugly, and unhealthy. The whole matter has been studied much more thoroughly since the war, and the latest flats that have been built by cities such as London and Liverpool show a great advance. A flat in a modern tenement building

has, so far as the interior is concerned, the same amenities as the separate cottage. Communal services, such as wash-houses, a clinic, a nursery school, a playground for the children, are often provided as well, and there is no doubt that a pleasant and healthy life can be led in such tenement blocks. They have attained a really good standard of housing, though even so most people still regard them as a second best in comparison with the self-contained cottage standing in its own garden.

#### THE NUMBER OF LOW-RENTED HOUSES

One hundred years ago the local authorities began to take responsibility for sanitation; seventy years ago for the quality of the house. Gradually, towards the end of last century, the shortage of houses for the poorer workers began to force itself upon public attention.

There has never been any serious shortage of houses for those who can afford to pay an economic rent; private enterprise has always been able to provide plenty of houses to meet this demand. The shortage of houses, with the inevitable result of overcrowding, is a problem of poverty. One hundred years ago the miserable houses that were being built had one merit: cheapness. As the public authorities interfered and gradually forced up the standard of housing by means of byelaws, they also forced up the cost of the house, and therefore the rent. At the same time the more progressive local authorities were closing the worst of the old houses as unfit for human habitation. Meantime the population was increasing fast. The result was that the supply of cheap houses was actually diminishing while the number of families who could not afford an economic rent for a decent house was increasing.

Efforts began to be made to meet this situation both by beneficent private enterprise and by the more energetic local authorities. The Peabody and Sutton Trusts built blocks of flats, but in the first place the rents both of the private enterprise and the local authorities' houses were relatively high, and in the second place the total number of houses they built in pre-war days was quite insufficient to have any serious effect on the housing shortage.

From 1910 onwards up to the outbreak of war the number of houses built by private enterprise decreased rapidly, and the shortage, especially of houses for the lower paid workers, began to become acute. All three political parties expressed opinions in one form or another that the State must give assistance towards the housing of the lower paid workers, but no action was taken.

During the war no new houses were built, with the exception of a quite small number in special areas. The shortage became rapidly worse; Rent Restriction Acts had to be passed to prevent the keen demand coupled with the shortage of supply from forcing rents up to quite impossible figures.

#### THE POST-WAR HOUSING CAMPAIGN

At the end of the war there was an almost desperate shortage of houses and very grave overcrowding. When the demobilized soldiers, many of whom had lost their previous homes, wanted new ones, none could be found. The strong public feeling was crystallized by Mr. Lloyd George in the phrase "homes for heroes."

The public made up its mind that the slums must be abolished and a decent house provided for every family. Public opinion on this matter has remained steadfast for the last fifteen years, with the result that every Government, whether Conservative, National, or Labour, has made the housing of the working classes one of the most important planks of its programme. Every Government has introduced housing legislation. Every Government has given subsidies for housing. Every Government has insisted that its particular housing methods were the best and only ones for solving the slum problem.

It had been a remarkable example of the working of public opinion in a democracy. Although there have twice been changes of Government from Conservative to Labour and back again, and although this has caused some violent oscillations in methods of building, yet the unremitting pressure to build more and cheaper houses has resulted in an immense amount of really effective work.

But there were two grave difficulties to be faced. In the first place, there was, after the war, a very serious shortage of labour; in particular, of bricklayers and plasterers. The Unions, remembering the unemployment of pre-war days, strenuously resisted "dilution"; and all over the country the difficulty of finding enough skilled labour caused almost hopeless delay in the carrying out of contracts. But the demand remained steady and gradually the number of skilled workers did increase, especially after Mr. Wheatley came to an understanding with the Trade Unions in 1924. It was not till about 1927 that the supply of labour became adequate; since then there has been no further trouble on that score.

The other great difficulty was price. There was a tremendous building boom after the war; the all-in cost of the "minimum standard

house"—that is to say, the three-bedroomed, non-parlour house, built according to the recommendations of the Tudor Walters Report at twelve to the acre—rose to no less than about £1,200. Local authorities could not borrow money under 6 per cent. The charge for interest alone was 30s. a week. As equivalent pre-war houses were being let, inclusive of rates, at 15s. a week, the situation was hopeless from the point of view of ordinary building methods.

Beginning in 1921, prices fell very rapidly to about 1923, then increased slightly for a few years, then fell steadily to the present low level in 1935.

Meantime, interest rates also began to fall; at first gradually; then came a sudden drop owing to the national conversion scheme in 1932. The contrast between interest charges on a minimum standard house in 1920 and in 1935 seems almost incredible. The cost has dropped from £1,200 to £300: the rate of interest from 6 per cent. to 3 per cent.: the price has been reduced to a quarter, the interest to half; that is to say, the weekly interest charges are to-day one-eighth of what they were fifteen years ago. They have fallen from about 30s. to about 3s. 6d.! The biggest single change was owing to the conversion scheme in 1932. It is only since that date that it has become possible even for local authorities, who can borrow at the lowest rates, to build houses within the means of the lower-paid working-class families.

The Coalition Government after the war, faced with these apparently insuperable difficulties on the one hand, and an irresistible public demand for "homes for heroes" on the other, took two decisions of fundamental importance. They imposed upon the local authorities for the first time in history a definite responsibility for the good housing of the working classes, and offered them a financial subsidy to enable them to build such houses at rents within the means of the working classes.

From that time on the building of working-class houses has been pressed forward by every Government. There have been two streams of activity. Conservative Governments have, so far as possible, encouraged building by private enterprise, Labour Governments have preferred building by local authorities.

#### PRIVATE ENTERPRISE

In pre-war days about 98 per cent. of the working-class houses had been built by private enterprise, that is to say, by the speculative

builder. Working-class houses had been a very popular investment handled by solicitors who specialized in this matter.

After the war this method of investment had disappeared. The finance for private enterprise building has since then been provided by the building societies, who accept a small deposit, lending the rest of the money to the occupier-owner over a period of about twenty years. Building society finance has grown to immense proportions: over a hundred million pounds have been advanced in a single year. The houses are sold to the occupier-owner; but in a typical case he may have to pay only £20 down, further payments of, say, 15s. a week for twenty years leave him owner of his house. The distinction between buying and renting, as regards payments, has become a fine one.

Private enterprise building did not begin on any serious scale till 1923. From that time on it set to work energetically, building about 60,000 houses a year up to 1929. Then, owing no doubt to falling prices on the one hand, and to the fall in interest on the other, came a surprising increase, the number built rising rapidly and steadily to the remarkable and record total of no less than 285,000 in the year ending March 1935.

The private enterprise houses are similar to those built by the local authority; probably on the average not so well built, but made to look different in order to flatter the pride of the occupier-owner by more substantial garden walls, by gables, stained-glass windows, and other decorations. Internally they are well-arranged and conveniently worked by the housewife, far more so than the pre-war house with its attic and cellar, which in many parts of the country is being rapidly deserted for the newer and simpler house.

#### LOCAL AUTHORITIES

The story of post-war building by local authorities illustrates in an interesting way the effect of action by successive Governments holding different views. There have been two complete "waves" of building, and a third one is now under way.

The first was the immediate post-war building under Dr. Addison. The Government was forced to build by public opinion and gave a heavy subsidy to the local authorities. About 200,000 houses were built under the Addison scheme; public opinion was temporarily satisfied; the cost was staggering (these houses mean a burden of eight million pounds per annum for forty years on the National

Exchequer); the subsidy was cancelled and the local authorities stopped building.

The second building wave was initiated by Mr. Wheatley, who in 1924 gave a new subsidy to local authorities. They built nearly half a million houses under this scheme, till in 1932 their activities were put an end to by the National Government, who decided to confine their operations to slum clearance. Slum clearance has always been a slow and difficult business; Sir Hilton Young put great energy into his efforts to clear slums; he hoped to clear and rebuild 300,000 houses under his five-year plan.

The first result of his efforts was what might have been expected: he quickly succeeded in stopping the building of new houses by local authorities, but found it much more difficult to start them building slum clearance houses. In the six months ended March 1935, local authority building with State assistance reached a *low* record of 14,000 houses; the third wave of municipal building is as yet a very small one.

#### POST-WAR ACHIEVEMENT

What has been the result of the post-war housing campaign, or rather the series of post-war housing campaigns which have now lasted for fifteen years? In the first place, there has been one very definite failure. The campaign has failed to deal with the housing of the poor. The low-paid worker with a family is still in the slums, often as overcrowded as he was at the date of the armistice. The reason for this is that though large numbers of houses have been built, they have all been either for sale, or to be let at rents generally of from 12s. to 15s. and upwards, whereas the slum dweller in most cities has been accustomed to pay from 5s. to 8s. The problem of building houses of good standard to let at rents well under 10s. a week has not yet been solved: it is the most difficult problem of all.

In spite of this failure, the achievement of the fifteen years' campaign has been great. The total number of houses in the country is about ten million: of these, no less than two and a half million, or one-quarter of the whole, have been built since the war. The individual houses are well-planned, well-designed for health and convenience, and almost every one of them has a garden, which is generally well cared for. The provision of two and a half million good new houses is little less than a social revolution and must be adding immensely to the happiness and health of a quarter of the families of the country.

## TOWN PLANNING

Before the Industrial Revolution there was a certain amount of town planning in England; parts of London, Bath, and Edinburgh were outstanding examples. During the first half of the nineteenth century, as we have seen, the population was increasing at a previously unknown speed; the great cities were growing still more rapidly. Just at this period, when planning was more necessary than ever before, the whole idea of planning disappeared. The philosophy of *laissez-faire* was in full control, and was being applied with the utmost thoroughness, and with disastrous results, to the growth of our cities. Any individual was allowed to build a factory, however noxious, wherever he liked, and to surround it with working-class houses, however badly designed or badly built, without planning and without control. We have seen how sanitary control grew up in the next generation, and how in the succeeding generation the surroundings of the house itself began to be controlled—the local authorities beginning to take responsibility for something in the nature of estate planning. Later on, slum clearance and rebuilding schemes were undertaken here and there; for instance, about 1875 Joseph Chamberlain caused Birmingham to purchase a fairly large area of slums and to carry through a comprehensive clearance and improvement scheme. "Corporation Street has real civic dignity, crowned by the fine terminal campanile. Its aim was the full civic programme of eliminating slums, rehousing elsewhere, and reuse of land for business purposes."

But as regards real planning in the sense of planning a town as a whole, our local authorities were completely apathetic, regardless of the excellent work that was being done in Germany, till at last the Town Planning Act was passed in 1909, giving the cities powers to plan undeveloped areas. A good deal of work was done under this Act, with the result that when our cities started extending their suburbs after the war their new building was generally done on properly planned lines. But it was not till 1932 that the long promised Act was passed giving local authorities power to plan built-up areas.

The estate planning of the two million houses built since the war has been good; but of town planning in the broader sense there has so far been very little. Towns may grow by three methods—by merely spreading outwards, by ribbon development along main roads, or by the building of satellite towns. Most town planning experts believe that after the population of a town has reached a certain size—which

is variously put at from thirty thousand to a quarter of a million—extension should be in the form of satellite towns. But so far this is mainly a matter of theory; we are still in the early experimental stage. Ribbon development is universally abused, but difficulties of capital cost, of apathy, and of vested interests are such that no effective steps have yet been taken to prevent it, though a Bill is before Parliament at the time of writing.

It is recognized that planning by individual local authorities must be ineffective for wider areas, and many regional planning committees have been set up, some of which are doing good work, especially by seeing that the schemes of each individual authority fit together. Nevertheless, the construction of main roads and the preservation of regional open spaces are faced with the most serious financial difficulties which have not yet been overcome.

Planning on a national scale has as yet hardly been thought about. There are two fundamental difficulties: the movement of population and the location of industry. These difficulties have been manifested vividly in recent years by the drift from the more depressed areas to London. London is enormous, and growing faster than ever. The population in the outer ring increased by no less than one million during the decade 1921–31. The result is that land values in the outer parts are excessively high, and that fares from the suburbs to the centre are beyond the means of the ordinary working man. Queen Elizabeth gave instructions that, as London was in her opinion too large, no further houses should be built within a certain distance of Charing Cross, and efforts have been made at intervals since then to prevent the further growth of London. The present Government has been appealed to by the distressed areas to do something to stop the location of new industries in London, and to see that they are built in the depressed areas where the labour and services already exist; but alas! less courageous than Queen Elizabeth, it has announced that it can take no action whatever in the matter.

One of the chief difficulties of town planning by the individual local authority is that of finance and compensation. Town planning, if well done, tends to increase the value of property as a whole, but where individual owners are benefited the local authority generally fails in practice to secure any betterment. Where individual authorities are damaged the local authority has to pay compensation. This weighting of the scales in favour of private interests and against the community is probably the greatest bar to effective and extensive

town planning. If town planning is to become what it should be, legislation will gradually have to be worked out which will give the local authority a fair chance of planning effectively in the general interests of the public without incurring undue financial burdens.

An entirely new problem which now faces our cities is the rebuilding of the slum areas. This should be their greatest task for the next generation or two. The Town Planning Act of 1932 gives powers for replanning these areas and schemes are now being worked out. There is no reason why, in the next two generations, the slum areas of our cities should not be rebuilt as pleasant and healthy residential areas, though there is no doubt that replanning will present many difficulties. One condition of success is that the cities should have the wisdom to employ first-class town planners and to pay them the necessary salaries.

#### THE GARDEN CITY

One aspect of planning on which something has been done has been the garden city. This movement was begun by benevolent factory owners, in the form of the garden village, the best-known examples carried out in the later years of the nineteenth century being Port Sunlight, Bournville, and Earswick, where the employees of three great firms were housed under pleasant and healthy conditions.

In 1898 Sir Ebenezer Howard launched the idea of the self-contained garden city, and was successful shortly after in founding Letchworth, a town whose population is intended to be limited to about thirty thousand, and to be permanently surrounded by an agricultural belt, so that the inhabitants shall have the combined advantages of town and country. The city was carefully planned in advance, and the site itself was purchased by the city authorities. Letchworth had a hard struggle, but has to-day justified itself, and is on a sound financial basis.

The second garden city, Welwyn, was founded after the war, and for special reasons has had greater financial difficulties. Unfortunately there are no signs that the garden city of the Ebenezer Howard type is likely to become common. There is no way of forcing or inducing factories to come to garden cities; it is very difficult to raise the necessary capital, and it does not seem likely that other such cities will be built in the near future.

The latest form which the garden city has taken is what has become known as the satellite garden town. The best example is Wythenshawe,

in Manchester. The city authorities purchased an area of about 3,500 acres of agricultural land at an average of about eight miles from the centre of the city. The whole estate of three parishes, amounting in all to 5,500 acres, was carefully planned by a leading town-planning expert, and after a severe struggle in Parliament its incorporation within the area of the city was secured. The estate is now in course of development. Owing to the cheap purchase of the land it has been possible to make an ample allowance of parks, agricultural belt, and parkways, and to provide excellent playing fields for the schools. A factory area has been reserved, and in spite of the depressed times nine or ten factories are already being built. About five thousand houses have been erected, nearly all by the City Council, and the population is already larger than that of Letchworth and Welwyn combined. Wythenshawe is being rapidly developed on the best lines known to modern town planning as a healthy, convenient, and beautiful town.

The relative success of Wythenshawe as compared with Welwyn and Letchworth is due to two things. Firstly, that Manchester is able to provide at low rates the necessary large capital for development; secondly, that Manchester by itself building houses is able to secure rapid development. It has been the lack of capital and the slowness of development which has caused such difficulties to Letchworth and Welwyn.

The history of Wythenshawe shows that there are two further conditions which are vital to success. The first is that the city must own the land, or at least the major part of the land. The powers which the city possesses as local authority are limited to such powers as are expressly given by statute, and are totally inadequate to ensure satisfactory development. But the powers as landlord are limited only where actions are expressly prohibited by statute; the landlord can lease land subject to any conditions he likes to impose. It is the landlord power which is enabling Manchester to preserve the amenities of Wythenshawe in all kinds of ways which would not otherwise have been possible.

The second condition is that the city should also itself be the local authority for the satellite garden city. A little consideration will show this to be almost essential. Some services must be provided in advance of building, e.g. roads and sewers, others, especially schools, during the course of building. The city intending to build makes its decisions and has confidence in its own intentions to carry out these decisions; Manchester committed itself to an expenditure of many hundreds of

thousands of pounds before a single house was built. If Wythenshawe had remained under some other local authority that authority could never have had the confidence to spend the necessary money on development. It is clear that for large-scale and rapid development of satellite garden towns the whole of the land concerned must be included in the area of the city which takes responsibility for building.

#### CONCLUSION

We have surveyed a century of housing progress: we have shown that one hundred years ago our cities were allowing private enterprise to build foul and insanitary houses, badly constructed, surrounded by mud and filth, with no drainage, no adequate water supply, crowded, and ill-ventilated. We have shown how conditions were gradually improved by the assumption by the local authorities of one responsibility after another. For the first generation they devoted their attention exclusively to sanitary reform, the regular removal of refuse, the provision of properly paved and drained roads, and of a good water supply. In this direction there has been steady progress; to-day the municipal authorities have solved the sanitary problem in the cities.

For the last fifty years before the war the local authorities turned their attention to the problem of the standard of the house itself. By successive byelaws they gradually raised the standard of the new houses; at the same time by reconditioning something was done to improve the worst of the old houses. Private enterprise still built the houses, but they were subject to fairly stringent control.

It was not till after the war that the Government and the local authorities took up housing in earnest. For the last fifteen years there has been constant activity; immense sums of money have been spent, much has been accomplished. A new standard of working-class housing has been set. Over two million and a half houses have been built; the building trade is so organized that it can easily build a quarter of a million houses each year.

The contrast between the houses built in 1835 and 1935 is complete. Consider one of the best examples of modern building which we have already described, the Wythenshawe estate at Manchester, and contrast it with the slums that were built one hundred years ago in the same city. We have seen what the slums were like; in the houses on the Wythenshawe estate a family can be brought up as healthily as in the mansion of a millionaire. There are up-to-date schools, conveniently and safely situated among the houses; there are fine parks and playing

fields and an agricultural belt; factories are being built near at hand so that many of the workers will be able both to live and work in pleasant surroundings. Trees and spinneys have been preserved; parkways are being built, the houses are well planned and well designed.

Such is the achievement of one hundred years of municipal progress. But there is another side to the picture. The old slums have been, in some cases, improved by reconditioning, in all cases by the provision of sanitation. But they are still utterly unfit for habitation. There are millions of houses which are below any acceptable standard.

It is not commonly realized how large a proportion of our population is being rehoused each year. There are about ten million houses in the country; two and a half million of these, or one-fourth of the total, are new houses built since the war. If we continue the present rate of building we shall rehouse one-fifth of the population every decade. In thirty years we shall have rehoused three-fifths of the population, or, including what has already been done since the war, over four-fifths of the population will be living in post-war houses.

One vital point that must be remembered is that we cannot get the families of the lower-paid workers out of the slums unless we build new houses for them to let at rents within their means. If we are to house the present slum population in new houses of the Tudor Walters type, we must face the fact that very substantial subsidies will be required.

The planning and rebuilding of the old residential portions of the city is the task of the next generation. It is perhaps the greatest task our city fathers have ever undertaken. But it is well within their power. If public opinion remains steadily determined to put an end to the slums and prepared to pay the necessary price, if our city councils act with wisdom, foresight, and discretion, we can certainly within a single generation provide for every family a good house in a healthy, convenient, and beautiful city.

## CHAPTER X

## THE NATION'S SCHOOLS

*by*

FRANK SMITH

FROM early times there has existed a close bond between the local community and the school. The family which nurtured the child in infancy, the Church which instructed him, the neighbourhood for whose society and responsibilities he must be trained regarded the school as an essential institution of community life, an instrument for the preparation of the young for the life which awaited them. It was a selective institution through many centuries, training priest, scribe, clerk, and lawyer, and leaving the training for other vocations to other agencies.

The great incentive to universal instruction came from the Protestant Reformation, for the new authority given to the Scriptures implied that the ability to read should be a universal possession, and the Church strove to supply the means. In the eighteenth century organized philanthropy brought national associations to the aid of local efforts, as in the Charity School movement, which encouraged local benefactors to endow schools for the instruction of the children of the poor.

This impetus was enormously strengthened at the end of the eighteenth century by religious revival. The fervour of the new converts won by John Wesley, especially in the industrial districts, and the zeal of the evangelical party in the Church of England, a party which included many rich and influential people, found early expression in the creation of Sunday schools, which spread with impressive speed all over the country. In them seemed to be discovered the instrument which would answer the newly awakened desire to read. They could be provided at a low cost, they did not interfere with industry, they were adaptable to all ages, and they provided a means of service for a growing army of voluntary teachers. The gratitude and affection they won in the hearts of their pupils was a marked feature of their history; their democratic management gave scope to local effort and satisfied local pride. The fact that throughout the nineteenth century the Sunday schools contained more scholars

than the day schools is significant: it meant that local effort and voluntary provision remained a vital feature of our system of education long after the State had entered the field.

In the rapidly changing social and economic conditions of the time, with the agglomeration of dense masses of people in the new industrial areas, the problem of the children of the poor thrust itself with a fresh urgency upon the conscience of the Church. The Sunday school was insufficient for the task: the gutter and the slum, it was said, more than undid the work of the school. A desire for daily instruction appeared, but to provide and maintain schools for two million children, the majority of whose parents were too poor to contribute to their cost, seemed at first sight an insuperable difficulty. The rediscovery and organization of the monitorial method of teaching, which enabled one master to control the instruction of several hundred children, solved the difficulty, and the Churches faced this larger task. Two national associations were founded early in the nineteenth century, the British and Foreign School Society by the Nonconformists in 1808, and the National Society by the Anglicans in 1811, and the establishment of monitorial schools proceeded. These national organizations stimulated and assisted local efforts: every diocese had its Board of Education, and nearly every parish had its school, and a large number of these parish schools were in union with the National Society. The British schools were encouraged to greater independence, and once they were established the task of maintaining them was transferred to the locality which they served. In both cases local responsibility and local management were prominent, and by this method the community learned to regard the voluntary schools as their own possessions.

Meanwhile the question of the responsibility of the State had evoked much discussion. Was national education a responsibility of Government, or did it belong to the efforts of Christian philanthropy? There were dogmatic statements on both sides. "Education belongs essentially to the State," said La Chalotais in his *Essai d'Education Nationale* (1763), and a similar opinion had been expressed in this country by Thomas Sheridan and by Dr. John Brown, who asserted that the strength of the State lay in "a prescribed code of education to which all the members of the community should legally submit."

The English Radicals, however, saw a lurking tyranny in the intervention of the State. "Education," wrote Joseph Priestley (1768), "is a branch of civil liberty which ought by no means to be surrendered

into the hands of the civil magistrate, and . . . the best interests of society require that the right of conducting it be inviolably preserved to individuals." Adam Smith, on the other hand, held that the elementary instruction of the masses was expedient for the safety of the State, for it rendered the people less liable "to the delusions of enthusiasm and superstition." Thomas Paine's proposal that the State should pay an annual grant of £4 to every poor family for each child under fourteen, on condition that he was sent to school to learn reading, writing, and arithmetic, is an interesting attempt to find a compromise between State help and individual freedom.

In the years following the French Revolution popular instruction in this country might have received little support had it not been so closely associated with religious teaching. In that day of upheaval it seemed to many that the ignorance of the peasant was safer than a knowledge of the new political theories which pamphlets and books offered to a new army of readers. "To teach the poor to *read*, without providing them with safe books, has always appeared to me a dangerous method," wrote Hannah More, but her fears were calmed by the knowledge that in the Sunday and day schools she established in the villages of the Mendips safety was assured by restricting the reading of the poor to the Bible and to religious tracts. This view prevailed. In spite of the fears engendered by the French Revolution, the instruction of the masses in Sunday schools and voluntarily supported day schools came to be regarded as a necessary safeguard of national well-being.

While political theorists argued about State responsibilities in education the voluntary schools undertook the task of erecting a national system, and controversy moved to the question of their adequacy and efficiency. Foremost in the work of inquiry was Lord Brougham, who in 1816 persuaded Parliament to appoint a Committee to inquire into the Education of the Lower Orders of the Metropolis, the first investigation on a large scale. This was followed by other inquiries, which revealed both serious deficiency in the supply of schools and also an impressive increase in the work of voluntary organizations. His failure to carry a Bill through Parliament in 1820 diverted him to the enthusiastic support of voluntary effort: monitorial schools, infant schools, mechanics' institutes, popular lectures, and cheap books all received his aid. His orations on the blessings of knowledge, on the virtues of self-help in education, and on the moral and material rewards of learning fed his own faith in popular educa-

tion: here was the promise of the New Jerusalem which men and women and children might enter through their own efforts.

Between 1818 and 1835 the number of children in school had more than doubled, and Brougham believed that voluntary provision would suffice. Why, then, should the State interfere? "It behoves us," he told the House of Lords in 1835, "to take the greatest care how we interfere with a system which prospers so well of itself; to think well, and long, and anxiously, and with all circumspection and all foresight, before we thrust our hands into a machinery which is now in such a steady, constant, and rapid movement; for if we do so in the least degree incautiously, we may occasion ourselves no little mischief, and may stop that movement which it is our wish to accelerate."

The House of Lords had no desire to interfere; they were only too glad to believe that Brougham's vindication of the voluntary principle was a conviction based on verifiable facts. The threat, indeed, came from the Commons. The Reformed Parliament was showing an activity in legislation which promised to challenge all institutions, and an advocate for "the universal and national education of the whole people" had appeared in 1833, when Roebuck contrasted the deficiencies of England with the national systems established in France, Prussia, and America. Although the motion was withdrawn, the Government soon afterwards made a grant of £20,000 "for the erection of school houses for the education of the poorer classes in Great Britain." This grant was allocated to the two great voluntary societies, and increased their efforts, but the State had now admitted some degree of responsibility for the education of the poor.

The challenge to Brougham's complacency and to the hesitancy of the Commons came from the municipalities. It was in the towns, especially in the new industrial towns of the North, that the supply of schools was most deficient, and the state of the children most deplorable. Their suffering and destitution, and their ignorance and neglect, had impressed many observers, and to some of them, in spite of Brougham's statistics, it seemed as though there was not only no improvement but a fearful deterioration. Champions as most of them were of voluntary schools, they saw the inadequacy of voluntary provision, and the need for a more general supply than individual Churches could provide. The idea of education as a citizen's right grew clearer; the Churches might provide for their own children, but in the congested districts where poverty reigned the burden was clearly

beyond voluntary effort, and the responsibility of the whole community must be realized.

The fullest records of this movement in the new towns relate to Manchester, where a great civic tradition was built up which had enormous influence both in other towns and on national legislation. Through its Literary and Philosophical Society, founded towards the end of the eighteenth century, the new social problems of a town in the throes of the Industrial Revolution had been eagerly discussed. The Health and Morals of Apprentices Act of 1802 was largely a result of the investigations of Dr. Thomas Percival into the state of child labour in the cotton mills, and it was partly from Percival that Robert Owen derived the ideas of a new industrial community which he established in New Lanark in the first quarter of the nineteenth century, where he made the school the centre of his social experiments.

The next generation of Manchester residents had more extensive problems to solve. No town had grown so rapidly, and the flow of immigrants from Ireland and from the bleak uplands of the Pennines brought inhabitants with appallingly low standards of domestic comfort. They crowded into such shelters as they could find, including wretched cellar dwellings along the river banks, where, in time of flood, the Irwell and the Medlock, then little more than open sewers, carried filth and disease into their mean hovels. When the plague which swept across England in 1832 reached Manchester it decimated the inhabitants in the worst districts, and Dr. Kay's pamphlet, *Moral and Physical Condition of the Working Classes employed in the Cotton Industry in Manchester*, written while he was still doing battle with the plague, contains unforgettable pictures of the social conditions of the time.

This fresh realization of the problem stimulated a group of citizens to form the Manchester Statistical Society in 1833, an expression of the growing view that social and political theories must be tested by facts, and that scientific and large-scale inquiry must guide the formulation of remedies. Its five founders were two bankers, two cotton manufacturers, and Dr. Kay himself, and four of them were under thirty years of age. The first members included many who were destined to play a prominent part in local and national government.

One of the earliest inquiries of the Society was into the state of education of a working-class district in Manchester, and showed that out of 12,117 children, only 252 were in attendance at day schools and 4,680 at Sunday schools. This was followed by more extensive

inquiries into the educational provision in Manchester, Liverpool, and other towns of Lancashire and Yorkshire. These reports, read at various meetings of the British Association, and used in evidence before Government committees, were compiled with great care, and their accuracy was never challenged. They revealed not only an insufficient supply of schools, but also the unsatisfactory condition of the majority of them and of the teachers. Some of the descriptions of the cheap private schools of the time are well known, and offer the most pitiless exposure of educational pretence that was ever written.

In Manchester one-third, in Liverpool a half, and in Salford a quarter of the children did not attend any kind of school. Of those attending, a large proportion were in Sunday schools only. Of the dame schools of Manchester the report declared that "no instruction really deserving the name is received in them," and that the common day schools were "nearly inefficient for any purposes of real education." So far as industrial Lancashire was concerned, it is a fair summary of these reports to say that out of every ten children of school age four went to no school at all, three went to Sunday schools only, two attended the comparatively worthless dame and common day schools, and one attended schools which, if they won little praise, at least escaped the strictures of the Committee.

To Brougham's assertion that the system of voluntary education was prospering so well of itself that State interference was unnecessary and dangerous, the Manchester Statistical Society had provided an answer which no oratory could combat. The Society went further. "We feel persuaded," the Liverpool report concluded, "that the establishment of a Board of Public Instruction would be hailed by all who have seen the glaring deficiencies of the present state of education as the first step in the performance of a duty which is imperative with every enlightened Government." The Manchester individualists had been driven by hard facts to the view that Government aid and intervention were necessary; local knowledge and a sense of civic responsibility were now to press upon the Government the need for a further step beyond the timid grant of 1833.

The main difficulty was with the Churches. They had made great efforts to educate their children, and they were nervous of State intervention. While many of their adherents realized the need for grants, few wanted any kind of control. The Nonconformists were apprehensive for a different reason: they suspected that, if the State entered the field, the national Church would get most help, and

that their own efforts would show to less advantage. Some of them held the view that as education was a moral and religious influence the State had no business to enter the field: if the State offered financial aid it should not lay down any conditions as to the methods the Churches adopted.

In the House of Commons itself there were few advocates of a State system. The political theory of *laissez-faire* was supreme; the Whigs favoured the doctrine of self-help, and the examples of what foreign nations were doing had little influence. Many of them held that a State system of education was a form of bureaucratic tyranny which would sap the independence of the people. The municipalities continued to press their needs. In Manchester the "Society for Promoting National Education" was formed in 1837, and opened three schools there in the following year, to which the children of all creeds were admitted. They also collected twenty-four thousand signatures in support of a petition to the Government for an Education Bill, and induced other towns to make similar appeals. The founding of the Central Society of Education in 1837, which printed annual volumes of propaganda for national education, and enrolled many influential members, shows the growing feeling outside Parliament for State intervention. The Government was lukewarm. A Select Committee of the House of Commons in 1834 had collected evidence, but "was unable to report any opinion to the House." A proposal in 1838 to set up a Board of Commissioners of Education was lost. The Government was threatened by defeat if it produced a Bill; it would lose support in the country if it ignored the demands of the municipalities.

The Queen's letter to the Lord President early in 1839, asking him to form a Board or Committee "for the consideration of all matters affecting the Education of the People," and declaring that it was her wish that "the youth of this country should be religiously brought up, and that the rights of conscience should be respected," was obviously an attempt to satisfy different parties. The establishment of a Committee by Order in Council avoided the risks of a division; the emphasis on religious training might win the support of the Church; the safeguarding of rights of conscience might satisfy those who were now demanding schools on a broader basis than any Church was able to offer. Thus was formed the Committee of Privy Council on Education, the forerunner of the Board of Education, and the State had now to attempt to devise a system of national education.

It was fitting that the Manchester Statistical Society, whose investigations since 1833 had dominated municipal opinion, should provide the first secretary of the new authority. Dr. Kay (better known by his later name of Sir James Kay-Shuttleworth) was invited to the office. With his knowledge of the industrial North, his experience as a doctor, his long-felt concern for the improvement of education, his experience as an Assistant Poor Law Commissioner since 1834 in East Anglia and in London, and his acquaintance with continental systems of education, he brought an unrivalled equipment to his difficult task, and in his ten years of office he laid the foundations of our national system of education.

The outstanding problem of the new Committee was to effect a working compromise with the Churches. Both in their national associations and in their local schools they were firmly established. Since 1833 the two national societies had distributed the Government grant, and no schools other than theirs had received support. Every proposal which imposed new conditions of aid, or which offered help to other types of schools, was likely to encounter opposition. In fact, the first proposal of the Committee, to establish a State training college for teachers, aroused so much anger that the scheme was hurriedly withdrawn, and the Government narrowly escaped defeat when the annual grant for education was discussed. It was at this critical stage, after the Committee had been compelled to capitulate, that Kay-Shuttleworth was called in. In the face of active opposition, of suspicion, and of misrepresentation, he not only succeeded in winning the support of the chief religious organizations, he also established wise principles of State control. If he did not succeed at all points, and had to proceed by compromise, his success was remarkable. He established the right of inspection in all aided schools, and through his inspectors he gave stimulus and guidance to every part of the country; he established the pupil-teacher system which replaced the very much inferior monitorial system; he made the teaching profession more attractive and raised the standard of the qualifications of teachers; he devised maintenance grants for the schools; he extended State aid to other religious communions; and he planned and directed many experiments to demonstrate improved methods of teaching. The Churches had wrecked the plan of the Government to establish a State training college for teachers; Kay-Shuttleworth won his way through the impasse by a novel and bold solution. He established a training college at his own expense in Battersea, and made it so successful that all the Churches

in a few years imitated his methods, and a supply of trained teachers was assured.

His success was based upon his acceptance of the religious basis of education, which was everywhere regarded as right and proper. No other view at that time was acceptable to the great majority of the people. The Sunday schools had been their creation, and enshrined their labours and sacrifices, and the day schools had grown from them. But while he regarded the religious setting of the school as one of its most valuable elements, he strove continuously against those who imposed the teaching of a particular creed on all children as a condition of attendance. Partly for this reason, and partly to make each school an instrument of the community, he insisted that every school should have a properly constituted managing committee, and after a bitter struggle he succeeded. The first local authority in education was the Committee of Managers attached to every aided school, and to them was given the control, under the Committee of Council, of the secular instruction. The delay in establishing a system of municipal authority was due to the spread of voluntary schools, and also to the measure of local autonomy enjoyed by the managing committees.

By the middle of the nineteenth century, when Kay-Shuttleworth retired through ill-health, the State and the Church had established a workable compromise, retaining to the Church the control of religious teaching in a fair spirit of tolerance, and securing for the State the control of secular teaching as the right for every child. Compared with the antagonisms of 1839, the agreements of 1850 are a magnificent testimony to Kay-Shuttleworth's statesmanship.

It was at this time that the assertion of another claim was becoming prominent, namely, the secular school, financed by local rates and managed by popularly elected local committees. The Lancashire Public School Association, begun as a local movement in Manchester in 1847, proposed that the existing denominational schools should be replaced by a system which would get rid of religious difficulties by excluding religious teaching from the schools. The annual meetings of this Association were for some time a battleground, but by 1850 so much support had been won that the name was changed into the National Public School Association. A counter movement, also originating in Manchester, put forward a proposal very closely akin to the Act of 1870—retaining the voluntary schools to meet what deficiencies they could, but creating District School Committees under a County Board which should have power to levy a rate for building and main-

taining additional schools. In such publicly provided schools it was proposed that the religious instruction should be determined by a majority vote in the district.

These two parties both sought to establish a system of education in which all children should have a place; both proposed to establish a local rate and local management. But they differed completely as to the position of the existing schools in the system. For many people the secular solution seemed to promise more rapid progress: Cobden joined the party from despair at the slow progress of the voluntary system; W. E. Forster also joined it, though at the same time he welcomed the rival scheme.

For a time it seemed possible that the two movements might be reconciled, an achievement for which Kay-Shuttleworth made great exertions. In 1850 and in 1851 Mr. W. J. Fox attempted to get support for a secular Bill in the House of Commons, but in both attempts he was completely unsuccessful, whereupon the National Association modified its proposals by including the existing denominational schools in the system, though separating the religious instruction given in them from any form of compulsion and also from rate aid. But although the two associations came near together there still remained enough suspicion to prevent fusion. Public opinion generally remained hostile to secular schools, and the influence of the Association declined.

To expect much enthusiasm for an education rate in any section of the community was, of course, out of the question, and without an education rate the schools must be supplied by the Churches or private individuals. In 1853, with a Coalition Government in power, and Lord John Russell, a champion of civil rights, as leader of the Commons, the Government did introduce a Borough Bill which provided for a permissive education rate in incorporated towns in support of the existing schools, but it won little support either in Parliament or in the boroughs and the Government withdrew it. Church opinion was apprehensive of the rivalry of rate aid, educationists were apprehensive of the growth of a *pugely* centralized administration which gave no scope to local activity. Thus no progress was made. Bill after bill came before the House of Commons in the 'fifties, and all were either blocked by being referred to Committees, or were withdrawn for lack of support.

These discussions, however, served to produce two kinds of advance. The first was the creation of the Education Department in 1856, to replace the Committee of Council, and to include the Depart-

ment of Science and Art which had grown up under the Board of Trade. A new post of Vice-President was created, subordinate to the President of the Council, and responsible to the House of Commons for the distribution of grants. The second was the appointment, in 1858, of a Royal Commission to inquire into the state of popular education in England.

The Report of this Commission, in 1861, was unfortunate in many respects. Instead of offering courageous suggestions, it was timid, hesitant, and, as the consequences showed, open to interpretations disastrous to the conception of national education. It was hostile to a universal compulsory system on the plea that it was "neither attainable nor desirable"; it took an appallingly low view of the minimum requirements of education, holding that the children of the poor could get all the schooling they needed by the age of ten or eleven; it declared against the provision of schools by rate aid because of the religious difficulties that would ensue. But it recommended that in corporate towns of more than forty thousand inhabitants a Borough Board of Education, and elsewhere a County Board of Education, should be set up by a triennial election. These local boards were to have the duty of appointing examiners who would examine every child in the three R's, on the results of which payments would be made to the school managers from the rates. But the boards were to have no power over the managers, and no control over the kind of religious teaching to be given in the schools. They were to pay the piper in part, but they could demand only three tunes, certain specified results in reading, writing, and arithmetic.

Unsatisfactory as was the proposal, the actual consequences were worse. For the Vice-President of the Education Department, Mr. Robert Lowe, accepted the idea of annual examinations and ignored that of local Boards, thus fastening upon the schools a new tyranny of grants administered from Whitehall, and imposing upon children and teachers mechanical standards of attainment which endured throughout a generation.

The essential tragedy of the Newcastle Commission Report is best understood by contrasting it with some of the contemporary ideas that writers and thinkers were then offering to the world. Herbert Spencer's *Education* appeared in the same year as the Report, though the first essay had appeared separately some years before. In his view education was a process of biological adjustment, a perfecting of organic structure, and must follow the lines of organic development. Spencer

claimed that education was increasingly recognizing this view: mechanical learning by rote and teaching by rule was declining; the training of observation, the use of experiment, the presentation of a wide range of concrete particulars before generalization, and the necessity for making the acquirement of knowledge pleasurable, were everywhere winning recognition. "We are on the high road," he said, "towards the doctrine long ago enunciated by Pestalozzi that alike in its order and its methods education must conform to the natural process of mental evolution." In actual fact, the new regime of Payment by Results was the exact reverse. Certain fixed and static requirements were set up, and to them the child must be shaped. There was no time for observation or experiment or concrete reference: teaching must be by rote, and memory was again exalted. Far from making the acquirement of knowledge pleasurable it became the most boring, meaningless, and joyless activity to which a child could be enslaved.

In 1860 Ruskin's *Unto This Last* had revived Carlyle's denunciation of the competitive individualism of *laissez-faire*, and had pleaded that the true aim of political science was to secure a nation of "noble and happy human beings." For this end every child should have access to a school which would have regard to the child's needs and capacities. Factual knowledge was less important than the three great needs of health, moral conduct, and honest livelihood; information was less important than training. Yet Ruskin's ideal of co-operative justice was so alien to mid-Victorian thought that Thackeray, the editor of the *Cornhill Magazine*, in which the essays were appearing, had to bow to the storm they evoked, and refused to print any more papers on political economy by Ruskin. The influence of the book was felt by a later generation.

It was by concrete needs that our system of national education was fashioned rather than by wise planning. From time to time public opinion was shocked by fresh revelations of the victimization of the child, and by the proof of educational destitution. A growing sympathy with the child was discernible, and Dickens had fed popular sentiment by unforgettable pictures of childish suffering. The national conscience was growing more uneasy at the thought of a national wealth which was partly derived from industrial conditions which doomed large numbers of the young to servitude and degradation. Various Acts of Parliament had protected the child in factory and in mine, but new disclosures in the 'sixties showed that the conditions in other industries, including agriculture, still perpetuated the evils

of former days. The large towns once more turned to the practical task of getting children into school. In Manchester, Birmingham, Nottingham, Liverpool, and other towns, societies were formed to assist the children of the poor by paying school fees, and their annual reports showed that many of the parents were unable to meet the cost. The voluntary system, even with the aid of Government grants, was still inadequate.

Events in the 'sixties, both at home and abroad, emphasized the national aspects of education. Industrial rivalry was growing more acute, and manufacturers began to realize that other countries were becoming more successful competitors. Through the Great Exhibition of 1851, and through later continental exhibitions, they saw new evidence of the fruits of technical training, and the application of science to the industrial arts. Wars in other countries also showed that national education might even be a form of national defence: the better educated Northern States of America had defeated the Southern States; the Prussians in 1866 had defeated the Austrians, and the victory was described as the victory of the elementary school teacher, for the schools of Prussia had implanted a new discipline and a new national spirit in the people. But even more significant than these lessons was the realization that the Reform Act of 1867 had franchised a host of uneducated voters in this country, and that a dangerous political experiment was in process. Opponents of a compulsory system were converted to its need, and Robert Lowe's famous phrase, "We must educate our masters," expressed the view that the State's responsibility could no longer be evaded. The Liberal victory of 1868, which brought W. E. Forster to the Vice-Presidency of the Education Department, set the stage for the reopening of a struggle which had begun with the demands of the National Public School Association twenty years before.

The difficulties in the way of a complete national system were formidable. It has been made sufficiently clear that the voluntary schools had steadily increased in numbers and in general favour. To ignore them would mean an enormous expenditure of money both in building and in maintenance grants. Compulsory attendance for all children was not immediately possible, for there were not sufficient schools for the population. On the other hand, the champions of education as a citizen's right, free from denominational tests, had steadily increased, and many Nonconformists felt a grievance in the fact that in a large number of districts the only available school for

their children was a Church school. The Liberal majority of 1868 put into power a Government which derived much of its support from the Nonconformists.

Leadership in the struggle for national education passed to Birmingham, where three famous civic leaders, Dixon, Chamberlain, and Collings, founded the Education League in 1869, with a programme of unsectarian, free, and compulsory education, rate-aided and popularly managed. They inaugurated a national campaign, and their resolution to abolish all dogmatic teaching, allowing the ratepayers to decide whether simple Bible reading, without note or comment, should be included or not, stirred up the defenders of the denominational principle to form the National Education Union. The question at issue was whether England was to have a new system of rate-aided schools with no privileges to any group, or whether, by a compromise, the voluntary schools should be retained as an integral part of the national system.

To many Liberals the programme of the League seemed altogether too radical. Moreover, both Gladstone and Forster were known to be friendly to the voluntary school. The Act of 1870 was a compromise—its opponents in the Committee stage were the representatives of the League—and it received general support from both Liberals and Conservatives.

Where voluntary effort in any district was "sufficient, efficient, and suitable," there was to be no interference: where inadequacy was discovered the voluntary associations were to be allowed to supply the need within a time limit of six months; where such supply was not forthcoming a School Board was to be elected, with power to levy a rate.

The chief demands of the League—free education, compulsory attendance, and the limitation of voluntary effort to religious teaching—were all defeated by large majorities. But Liberal opinion secured a conscience clause, allowing a parent to withdraw his child from any school during the hours of religious instruction; it passed the famous Cowper-Temple clause which forbade any denominational teaching in the new board schools; it also compelled the Government to withdraw its first proposal that rate-aid should be given to voluntary schools.

In large towns, where serious deficiencies existed, School Boards soon came into being; in small towns and in many country districts they were long delayed, for the voluntary associations made a deter-

mined effort to "fill the gaps" so that a School Board should be unnecessary. Between 1870 and 1876 additional provision was made for about one and a half million scholars, and the Churches provided for about a million of them. John Bright's complaint was that the Act had had "the effect of fastening on the country the old system."

Yet the creation of School Boards was a noteworthy experiment in local administration, and their work, until they were superseded in 1902, was generally vigorous and progressive. They earned much abuse, partly because a large body of public opinion was hostile to their creation, partly because they were suspected as being unfriendly to religious teaching, and partly because the small Boards in rural districts proved to be too small for efficiency and often too unenlightened to have charge of schools.

But the abuse was often unfair. The larger Boards attracted the services of many distinguished citizens who was zealous for education, and they took up their work with vigour and sincerity. In a task so intricate as the administration of schools there were undoubtedly gains in having an *ad hoc* Committee which attracted some whose help would not otherwise have been secured. Unfortunately, the elections were an occasion for the display of religious bitterness, and the untried method of "cumulative voting" produced strange results.

The School Boards had power to build new schools at the public cost, to draft byelaws governing attendance, and to decide whether, in the new schools, any religious instruction, subject to the Cowper-Temple clause, should be given. In these questions the London School Board, which included many distinguished members, had considerable influence on other Boards. They erected new types of school buildings, better adapted to the needs of the school; they fixed the ages of attendance at from five to thirteen, with exemption for children over ten who had passed the fifth standard examination, and allowed half-time exemption to younger children who were proved to be beneficially and necessarily at work; and they resolved that "in the schools provided by the Board, the Bible shall be read, and there shall be given such explanations and such instruction therefrom in the principles of morality and religion as are suited to the capacity of children."

By 1876 50 per cent of the whole population were under attendance byelaws, and in the boroughs the number was 84 per cent. Many districts were still without School Boards, and an Act in 1876 required the appointment, in such districts, of a School Attendance Committee,

so that the penalties for non-attendance could be universally enforced. By 1880 73 per cent of the whole population were under byelaws, and in the boroughs the percentage had reached 97. Mundella's Act of that year compelled the remaining School Boards and School Attendance Committees to enforce attendance, and although the byelaws differed considerably in detail, compulsion had at last been achieved.

The progress of education was rapid after 1870. In ten years the number of schools and the number of scholars was more than doubled. The number of teachers and the amount of State aid had multiplied nearly three-fold in the same time. Yet the State's conception of its responsibility remained curiously limited. It defined elementary education, for which alone it offered assistance, as that given in schools where the payment for instruction did not exceed ninepence a week. By its system of assessing grants by examination results in the rudiments it encouraged a low minimum of attainment, and gave little support to anything higher.

It is to the credit of the School Boards that they interpreted their duty more liberally. In touch with local sentiment, closely associated with schools, scholars, and teachers, and viewing their problems more intimately than was possible in a centralized Department, they soon discerned where improvements were most needed. It must be remembered that the system of Payment by Results was a chain round their necks; the Government grant could be earned only by examination successes in the standards through which the children must pass, and they were powerless to alter the system.

They soon discovered that a uniform minimum of attainment failed to provide for the best pupils, and as early as 1876 the Sheffield School Board was discussing the need for a "central school," where the more intelligent children could be gathered, and a more extensive curriculum taught. By 1880 this school was in being, and was attended by scholars who had passed Standard IV, and who were thought capable of advanced work. Other large School Boards made experiments on similar lines, sometimes towards a technical course in some relation to local industries, sometimes towards the establishment of a scholarship system which passed on the brightest pupils to the grammar school. Many School Boards also established special classes or special institutions for the better instruction of the pupil teachers.

These improvements and extensions increased the cost of education, and the much-hated education rate went up, though with surprising slowness. There were three classes of objectors to the education

rate: the friends of the voluntary schools, where limited resources imposed economies in the number of teachers, in apparatus, and in buildings; the ratepayers who grumbled at all demands for rate, whatever their purpose; and the municipal bodies who had no control over the expenditure of the School Boards. Hence there was frequent complaint that the School Boards were extravagant, though the charge was based on no demonstrable standard except the existence of voluntary schools. But the cry damaged the reputation of the School Boards.

By the late 'eighties and through the 'nineties of last century the position of the voluntary schools grew increasingly critical. New subjects of instruction, especially science, drawing, and manual training, found increasing favour, and their introduction into the schools was expensive, since they required smaller classes and special equipment. In the majority report of the Cross Commission, 1888, the view was put forward that these subjects should be paid for by additional State grants, a confession that the voluntary system could not keep pace with new demands. It was in the board schools that these additional subjects were first introduced.

By this supposedly "advanced" instruction the School Boards earned much disfavour. It was alleged that they were trespassing on the work of secondary schools, and the Education Department clung to the view that elementary education alone should be supported by public funds. Yet nobody knew any valid mark of distinction between the two, and the only accepted principle of division was the rough-and-ready one of cost. The School Boards, by raising the cost, were also challenging an old and a widely accepted theory.

The desire to limit the work of the School Boards found expression in the Technical Instruction Act of 1889, which gave the recently created county councils and county borough councils, as well as borough and urban authorities, power to provide technical and manual instruction, except in elementary schools, from the proceeds of a maximum rate of a penny in the pound. In addition, the county and county borough councils received in 1890 an unexpected grant from Customs and Excise receipts for the purpose of aiding secondary and technical education in their areas. There were now two local education authorities in being, and the next decade was to decide the issue between *ad hoc* and municipal authorities.

The closing years of the nineteenth century saw considerable expansion in elementary education. The abolition of the greater part of the system of Payment by Results in 1890 left the schools with

more freedom to arrange the curriculum, and the new subjects were widely adopted. In the decade the School Boards were required to make provision for the education of blind and deaf children, and were allowed to make provision for defective and epileptic children. The managers of the voluntary schools, harassed by increasing cost, petitioned the Government in 1895 for increased financial aid, and asked that the spending powers of the School Boards should be restricted. In the following year the Government introduced a Bill proposing that the county councils should be the local authorities controlling elementary, secondary, and technical education, but it was withdrawn. Yet the view was becoming clearer that administrative reform was overdue, and that the School Boards must be replaced by local bodies with wider powers. "Education," said Lyulph Stanley (afterwards Lord Sheffield), "is one, and must be dealt with as a whole." The School Boards, by establishing higher elementary and organized science schools for senior children, had proved that elementary education could not satisfy the ability and the ambition of all the children of the poor; intelligence was distributed on a different basis from wealth and class.

But the School Boards were doomed, and the "Cockerton judgment," which declared that certain expenditure made by the London School Board upon science and art classes was not allowable under the Elementary School Code, sealed their fate. A new local authority, with wider powers and more intimate relations with municipal government, was necessary.

Unification of the central authority was secured by the Board of Education Act of 1899, which combined the Education Department, the Science and Art Department, and the educational powers of the Charity Commissioners in one body under a President. Unification of local administration came three years later in the Education Act of 1902, which thus completed the structure of the national system. School Boards and School Attendance Committees were abolished, and the county and county borough councils, the borough councils with a population of over ten thousand, and the urban district councils with a population of over twenty thousand, were made the local authorities for education. The borough and urban district councils (Part III Authorities) were given jurisdiction over elementary education alone; the county and county borough councils were to supervise elementary, secondary, and technical education throughout their areas. Over two thousand five hundred separate School Boards were

replaced by about three hundred Local Education Authorities, and although these authorities (the L.E.A.s) could delegate their work to an Education Committee, they alone could levy a rate or raise a loan, and supreme control was therefore in their hands.

In addition to the work previously undertaken by the School Boards in the supply of elementary education, the Act of 1902 gave to the councils vast responsibilities. Secular education in the voluntary schools came under their care, and while the control of the religious teaching was left to the managers of such schools (henceforth described as the non-provided schools) nearly the whole of the cost of maintenance, including the teachers' salaries, was transferred to local rates and State grants. The county and county borough councils were also required "to consider the educational needs of their area, and to take such steps as may seem to them desirable, after consultation with the Board of Education, to supply or aid the supply of education other than elementary, and to promote the general co-ordination of all forms of education."

In a very real sense our national system of education dates only from 1902, and the vigour of local control has been shown most clearly since that date. The School Boards served as a period of apprenticeship in local administration, and under the Act of 1870 the voluntary associations retained an independence which prevented any kind of administrative unity. There was both strength and weakness in this dual system; it perpetuated a variety of schools, and in human institutions variety is a valuable feature; but it established a rivalry which distracted and wasted energy. The unification of 1902 brought this rivalry to an end, for although the non-provided schools retained certain distinctive features they were, for the most part, brought into the main stream of municipal administration.

The maintenance of variety within the system will be more difficult. Unification of administration tends towards uniformity. The creation of national scales of salaries for teachers, the influence of the large examining bodies upon the curricula of schools, and the increasing tendency to appoint local teachers who remain in the same area for the whole of their lives, are producing a uniformity which may result in stagnation. It is true that the history of the last thirty years has shown that variety, elasticity, and experiment still find a place. The creation of new types of special schools, of nursery schools, of junior technical schools, of selective and non-selective central schools has all taken place during this period, and voluntary effort has played

an important part in these experiments. The movements in adult education also provide clear testimony to the elasticity of the system and to the willingness of the local authorities to assist new ventures. Perhaps we owe some of this elasticity to the variety and even chaos of the nineteenth century; if so, the reformers whose task it is to keep alive the spirit of enterprise will have a harder task in the next generation, for the machine grows increasingly efficient.

The work of the L.E.A.S during their thirty years of existence can only be summarized here. Their chief concern is the welfare of the five and a half million children in the elementary schools, the vast majority of whom begin and end their education there. In addition, there are half a million pupils in the grant-earning secondary schools, and the L.E.A.S have provided the majority of these schools since 1902; they also aid and share in the management of a large number of the older schools. In evening schools and classes of various kinds the local authorities provide instruction for a million adolescents and adults who attend voluntarily, and they assist a wide variety of organizations which offer educational and recreative pursuits in infinite diversity to an uncounted number of members. These figures, difficult as they are to grasp, represent an enormous increase in the quantity of work that has been thrust upon the local authorities since 1902, but they do not reveal the complexity of the task that local administration has now to discharge.

The immediate problem facing the L.E.A.S thirty years ago was the provision of secondary education. The endowed grammar schools were of great antiquity, and enjoyed much independence. While some were rich many of them had very inadequate resources; they were unevenly distributed, and the education of girls was still neglected. The School Boards had created cheaper types of higher education in the higher elementary schools, the organized science schools, and the pupil teachers' centres, and these were unrelated to the grammar schools, the company schools, and the proprietary schools.

Inquiry revealed obvious deficiencies as well as inadequate resources. The attitude of the L.E.A.S differed in different places: some saw the necessity for new secondary schools, some tried to avoid the cost of building by offering assistance to existing schools. The endowed schools were not disposed to welcome interference from a local authority. A requirement of the Board of Education in 1903 that pupil teachers should receive full-time secondary education helped the L.E.A.S in their relationships to secondary schools, and also

encouraged them to turn the Pupil Teachers' Centres as well as the higher elementary and organized science schools into secondary schools. Slowly the local authority became interested in all the schools of the area, and entered into definite relationships with many of them.

In 1907 the Board offered increased financial help to the secondary schools on condition that the municipal authorities were given a majority representation on the governing bodies, and that a percentage of free places was provided for pupils from the elementary schools. While both conditions were accepted without difficulty in a large number of schools, there were some where independence was valued more highly than financial aid, and some where fears were rife that the incursion of large numbers of elementary school pupils would lower the social value of the school. To meet such fears the Board allowed the percentage of free places to vary from the normal 25 to 10 per cent. Results have shown that the scheme was of first-rate importance: it brought elementary and secondary schools into closer relations, it supplied the secondary schools with some of its best material, and it helped to break down the social exclusiveness of secondary education. In later years the local authorities extended the scheme far beyond its original limitations: the percentage of free places increased steadily, and a few authorities established a system of free secondary education. In 1933 the Board of Education imposed a means test on scholarship holders as a measure of economy, but so far as is known the effects of the change have been small.

The provision of secondary education has proceeded steadily, and the half-million pupils represent a five-fold increase in the thirty years that have elapsed. This rapid increase has raised the problem of excess. When people talk of excess they usually mean that certain specific outlets from the secondary schools—to the university, the lower professional and higher clerical occupations—are choked, and on this view the provision of secondary education may already be excessive. But another view, summarized in the demand of "secondary education for all," has come into prominence, especially since the war, and it implies a different conception of the meaning of secondary education.

For if secondary education has a wider purpose than the equipment of pupils for a few vocations, if it is to provide a longer period of training for all children, to raise the standard of national education, to adapt itself to the needs of pupils with their widely varying ability and capacity, then the question of excess does not arise. The view that the artisan, the mechanic, and the craftsman need an extended

general education, adapted to their interests and ability, is winning general acceptance. The rapidly changing economic conditions of the world are forcing upon us the necessity for the raising of the school age, and for the provision of leisure-time interests and occupations, and this view is bringing the conviction that secondary education is as universal a need as elementary education was discovered to be two generations ago.

The famous "Hadow Report" of 1926 has had great influence on public opinion in this direction. Abandoning the vague term "elementary" education the Report envisaged a national scheme of "primary" and "post-primary" (secondary) education, the transition from the one to the other taking place in the child's twelfth year, whatever his intellectual ability. But post-primary education was to be given in many different types of school, ranging from the "academic" grammar school to the simpler and more practical curriculum of the senior school, and including the old junior technical schools with their vocational emphasis, and the new modern or central schools with their vocational "bias." In theory there should be provision for the transfer of children from one type of school to another at the age of thirteen, as interests and capacity become more clearly marked.

The principles underlying this scheme of reorganization have won general support, although their realization is still far from complete. Two serious obstacles have hindered the local authorities: the large-scale housing schemes have created new suburbs and enforced the provision of new schools for all ages of children, and the financial restrictions since 1931 have prevented the L.E.A.S from completing the schemes of reorganization they had already prepared. In some boroughs reorganization was practically complete before the axe fell; in many of the counties and county boroughs it had only just begun.

Other difficulties have been experienced in the attempt to apply the Hadow Report, difficulties which illustrate fundamental issues in the conception of a national education. The wealth and power of the State and the zeal of the local authorities have curbed the influence and efforts of the voluntary associations, as expressed through the family and the Church. Education is a social activity in which human relationships count for much, and in these relationships parent, Church, and civic authority are all concerned. The impoverishment of such relationships might be a loss far greater than the gains of external efficiency.

Each of these three associations has fundamental claims, for the

child may belong to them all, and they exist for his protection and care. Other associations and institutions, too, make their claims: vocation, class, the professional body of teachers, and the ideals of learning fostered by the universities and by the learned societies exert powerful influence upon the system, and have a right to be heard. On this view an ideal system would be an integration of these different interests, and the contributions which each might offer would be clearly recognized. Such a harmony is difficult to achieve and to maintain, and a clash is inevitable from time to time.

A school "strike" is generally a temporary protest by the parents against some supposed infringement of their rights, and in the Hadow scheme children are frequently required to attend a new school, often at a further distance from home, at the age of eleven *plus*. The fact that such strikes quickly collapse does not mean that unity of interest between home and school is restored; if the parents retain a sense of grievance and share it with their children, the school suffers. Yet the parents as such are not represented in the machinery of government. Harmony between school and home is vital to the efficiency of education, and although an enormously improved relationship has been brought about between the two it is still seriously defective.

The influence of the Church is diminished by every new requirement of the State, and reorganization usually means the transference of the older children from the non-provided to the provided schools, for in only a few cases have the Churches found it possible to build new schools to meet the fresh requirements. The proposal to raise the school-leaving age recently was defeated partly by the opposition of the Roman Catholics, who complained of the additional burden that would be thrust on them, and the difficulty of the Churches in re-organizing their schools was admitted by the State when it proposed to offer them building grants, although this proposal was afterwards withdrawn.

Within the present administrative system there is some recognition of these various claims. The local education authorities have power to co-opt representatives to the education committee and to various boards of governors and managers, but not all of them make use of these powers. There has been a tendency to curtail the powers and the work of school governing bodies and to concentrate the administrative control in a central office. But if we regard the school not as an industrial organization but as an instrument of the community, developing its own life along intellectual, spiritual, emotional, physical,

and social channels, then the aim of administration should be to link the school with the aims and interests of the community. The view that "he who pays the piper calls the tune" is inadequate if payment in cash alone is meant: the parent also pays in the sacrifices he makes for his children, and the Church pays in the voluntary labours and service that she offers to the community. But at present they are not sufficiently heard when the tune is called.

The importance of the school in the national life during the present century has grown in many ways. New social needs have been met by the creation of nursery schools, evening play centres, and vacation schools. New industrial needs have been met by junior technical schools, central schools, and juvenile instruction centres. At the present time the provision of classes for unemployed boys and girls between the ages of fourteen and eighteen is proceeding in some areas on a large scale, and the experience and help of the local education authorities have been used by the Ministry of Labour in facing a situation of enormous difficulty and complicated detail.

Equally significant to the nation is the development of the school medical service.\* In little more than a quarter of a century, by the inauguration of medical inspection, the provision of general, dental, and orthopaedic clinics, the supply of open-air and special schools, the provision of school meals, as well as by the daily war against dirt, neglect, and unhygienic habits, the elementary schools have become one of the chief instruments for an improved national physique, and the results have shown measurable and accelerating improvement. In the secondary schools, which are selective, the provision for health is less thoroughly made, although sanitary buildings, playing fields, organized games, and other activities have obvious effects; the average secondary school pupil is taller, heavier, and better developed than the average wage earner of the same age, a fact which reminds us that education under proper conditions is itself a form of physical oversight. But it is the teachers in the poor districts, especially in times of industrial depression and unemployment, who know best what a change the modern school has brought to the children who, a generation ago, were the first victims of economic distress.

The school of to-day occupies a much larger place in the life of the child than ever before. Not only are the years of schooling longer, but the activities of the school have vastly increased, and flow over into hours once occupied by domestic duties or by free play. There are

\* See pp. 171-73 ante.

voluntary activities after school is over, society meetings, hobby classes, games, and team matches. There are home-lessons in ever-increasing quantity. Not only may every evening be occupied but Saturdays, too, are taken up, and school camps and excursions fill up some part of the holidays. This kind of activity has spread from the boarding schools to the secondary schools, and in turn to the elementary schools. And over all is the examination system which has grown in severity of competition every year, and now darkens the closing years of the primary school and of the secondary school. There is not one of these separate activities of the school which cannot be justified: yet in their totality they may well be harmful. The child's life is increasingly arranged for him, and varied stimuli awaken his too ready modes of response. But when school is left he is flung suddenly into a world of less kindly offers, and the transition may be uncomfortably abrupt. The schools may be successful in many things, and yet fail at the end.

The organization of our educational system has produced a structure of which we may be reasonably proud, but the structure is external and the measure of educational efficiency lies in the inner life of the child. No statistics of achievement, no perfection of machinery, no mere expenditure of money can offer any measure of success. In this sense the problem of education differs from all other problems of organized civic activity: it is infinitely more difficult to evaluate a good school and to remove its faults than it is to obtain and maintain a pure water supply. The thought should impel the administrators to walk humbly; they must do what they can in providing the wherewithal, but the fashioning of men and women requires also the virtues of love, service, and wisdom which must be used wherever they can be found.

## CHAPTER XI

## PUBLIC LIBRARIES

*by*

L. STANLEY JAST

DISREGARDING the sort of foreshadowing of the municipal library by the Rev. James Kirkwood, in his proposal, published as long ago as 1699, for founding and maintaining libraries in the Scottish parishes, also the itinerating libraries, mechanics' institute libraries, and subscription libraries, all of which catered very inadequately for the reading public of the country prior to 1850, the story of the municipal public library really begins in that year, when the Public Libraries Act, 1850, made its appearance in the statutes. The debates which preceded its passing in the House of Commons are as remarkable for the extreme caution of its promoters and defenders as for the absurdity of many of the arguments of its opponents. The House of Lords was discreet enough or wise enough to pass the Bill without discussion. The Act required a two-thirds consent of the ratepayers in meeting assembled, was confined to boroughs of over ten thousand population, limited the rate to be levied to not more than a halfpenny in the pound, but—the most extraordinary feature of the measure—*gave no power to spend any part of the rate on books.* These—the books—were to come as gifts, or drop from the sky. It would not have been surprising if, under these circumstances, the Act had resulted in a stalemate. That it did not is a tribute to the public spirit of the twenty-five towns which, in the decade following (1850–60), provided, or had decided to provide, themselves with public rate-supported libraries. The earliest adoptions were those of Norwich (the first), Warrington and Salford (which had initiated libraries in 1848 and 1849 respectively, under the Museums Act), Brighton, and Winchester. Manchester, Bolton, Oxford, and Liverpool did not come into line till 1852. By 1854, when the English Act had been extended to Scotland and Ireland, and when the Scottish portion was repealed by a new Act for Scotland, the maximum of the leivable rate was raised to one penny, a provision embodied in the Public Libraries Act, 1855, applicable to England only.

Thus was the municipal public library placed upon a foundation

which, while financially meagre, and condemning the smaller libraries from the beginning to a long career of poverty, and eventually to prove wholly insufficient for all, did nevertheless make them a practicable proposition, and enabled them, in the course of the next three-quarters of a century, to impress themselves on the community as an indispensable part of any even moderately enlightened scheme of local government. This result we owe to two men in particular, William Ewart, M.P. for the Dumfries Burghs, who introduced the original Bill, and Edward Edwards, an assistant at that time in the British Museum, and later the first public librarian of Manchester, who supplied Ewart with his data, and whose evidence before the Select Committee of 1849 was by far the most detailed and important furnished by any of the persons examined. The elaborate statistics submitted by Edwards stressed the superior library facilities available abroad, and undoubtedly were largely instrumental in securing the support of the Committee for "libraries freely accessible to the public." Within half a century the position as regards the Continent was to be reversed, and the public library in Great Britain was to serve as an inspiration and model to the Continent, especially Holland and Germany. That no memorial to Edwards exists is as strange as it is discreditable. The magnificent building recently erected in Manchester as a central library is the obvious place for it, and the thousands to whom their local library has been a formative influence in their lives would surely give something to perpetuate and symbolize in some worthy artistic form the man who, more than any other, made it possible.

It is hardly within the scope of this survey to follow in detail the many Acts affecting public libraries, directly or incidentally, which succeeded the Act of 1855. The unfortunate use of the word "free" in the early Acts, as inapplicable of course to the public library as to any other rate-supported institution, combined with the association in people's minds with the mechanics' institutes, created a general impression that public libraries were intended for the most part for the labouring classes. This idea, which Edwards endeavoured to dispel from the very beginning, has persisted till quite recent years, and is probably responsible for the depreciatory references to the work of the libraries, founded on a plentiful absence of knowledge and a hardy superstructure of prejudice, which emanated at intervals from literary men, educationists, and superior persons generally, all through the last century. It never existed in the United States, where the public

library is an indigenous growth, little if at all influenced by British practice, and where public support on very generous lines has always been forthcoming. Perhaps the *coup de grâce* to the notion of the public library as the "poor relation" of the municipality was given by the Great War, when the circulations of the libraries grew enormously, and people who had shuddered at the idea of handling a book from a public library began to borrow freely. It may be hoped that it will never again be discreet for a Cabinet Minister to talk of the country as being "drenched with public libraries." The centenary of the municipal corporations sees the public library firmly established as a thoroughly democratic organ of the national life, catering for every type of thought and every class of the community. In that, and not in any financial sense, it is "free."

Various Acts passed in the 'sixties, 'seventies, and 'eighties were consolidated in the Act of 1892, which remains the principal Act for England and Wales. By these enactments all local government units, except, curiously enough, the counties, were made capable of becoming library authorities, and this last anomaly was removed by the Act of 1919. Joint action between authorities was permitted, and in place of the unsatisfactory appeal by public meeting or by voting papers, a resolution of the authority sufficed for the adoption of the Acts. But up to 1919, that is, for nearly seventy years, the libraries struggled under the strangling limitation of the penny rate. Money for books was absurdly inadequate, and librarians and their staffs were paid miserable pittances. The library of the small town was condemned to hopeless poverty. A return prepared by the Library Association showed that nearly one hundred authorities spent under £50 per annum (some of these under £10) on books, the provision of which was the sole purpose of their existence. The very success of the public library had increased the burden, by bringing about a development entirely unforeseen by the earlier promoters, viz. branch libraries. These grew up as the inevitable sequel to a constantly widening demand. A central library, with a number of subsidiary buildings in different parts of the town, each with their lending libraries and newspaper and magazine rooms, became the accepted type. Manchester, which began with one building, has now twenty-four, exclusive of the great new central building, the last word in municipal library architecture in this country, and Liverpool, Birmingham, Glasgow, and the other big cities have systems on a similar scale, while few towns of any size are without satellite libraries, whether in fully equipped buildings, in

rooms, or in deposit collections in schools or elsewhere. Such systems within the field of a single authority were obviously never contemplated by the Act of 1855, with its procrustean penny rate. The plant grew beyond its pot. In many cases the pot burst, and town after town obtained relief by local Bills, giving power to levy a penny-halfpenny, twopence, or more in the pound, or even to abolish the limitation altogether. Oldham achieved the last as long ago as 1865. In one case at least, Wigan, the citizens were so determined to spend on their library that they regularly and of malice aforethought overspent their rate, and the Town Council as regularly made up the deficit. Not only so, but the citizens levied a *voluntary rate* in addition, and most of them paid up. Bad finance no doubt, but what a magnificent spirit! The number of towns which had had their rate limitation increased, or wiped out, had risen by 1900 to about thirty. But this left the vast majority of authorities where they were. The promotion of local Bills was expensive, and beyond the means of the very places which needed the relief most. Why the limitation should ever have been imposed, by what process of reasoning a community, while able to tax itself as it pleased for the provision of water, lighting, roads, and what not, should have been restricted, and restricted so meanly, in the matter of an intellectual service, is one of those things which only a knowledge of the Englishman's profound suspicion of education in any of its forms can explain. But the Great War came, and in this, as alas! in so many other directions, it brought about a reform and a sanity which peace could not. For twenty years the Library Association brought in Bill after Bill at worst to raise, and at best abolish, the penny limit. They never got beyond a first reading, and, there being no voting power behind the movement, the Government of the day refused to make a Government measure of the Bill, its only chance of being carried. But what was difficult before the war became virtually impossible after it, if many public libraries were to carry on at all. And so at long last, that is in 1919, the President of the Board of Education brought in a Bill by which all limits on public library expenditure were abolished, thus bringing the library into line with other departments of local government activity. In the following year Bills for Ireland and Scotland raised the rate limit to threepence. In striking this distinction between Great Britain and Ireland and Scotland, and perpetuating in the latter cases this anomaly, the cynic may find one more example that what passes the wit of man to expound or justify is not beyond the wit of Parliament to impose. However

this may be, the Act of 1919 put the public library finally on its feet, and gave it full recognition as a section of local government as worthy of reasonable support as any other. Even the most pronounced economist has little respect for a department which yields him no possibilities in the way of criticism of its expenditure.

By the end of the century which saw the inauguration of the movement, the country, so far as the urban centres were concerned, was covered with a network of public libraries, differing widely, however, in their resources and efficiency. Still, such as they were, they were there, and practically no urban resident was without some sort of a book supply. In 1932 there were 478 of these authorities in England and Wales, including 42 parish councils, serving a population of nearly 26,000,000. But up to 1919 the countryside, outside the urban areas, with the exception of a few parish councils, was without libraries. The extension of the Acts to parishes, and the ignoring of the counties, had not been a success. The experience of the urban libraries under the penny limitation should have shown that the parish was altogether too small and too poor a unit to provide a real library service, with its books, its building or room, and the running expenses connected therewith, even when the librarian, as was generally the case, was a voluntary worker. It is true that in some instances the village library became a valuable intellectual and social asset to the village, as in Middle Claydon, Oxfordshire, the first village to adopt the Acts. But here the Verney family made the library their special concern, and an ingenious method adopted by Sir Edmund Verney to obtain books was to insist on his guests presenting at least one book to the library per visit. But every village could not have its Verneys. The Act of 1919, besides removing the penny limit, closed up the gap between the parish and the urban populations by bringing in the county as a library authority, thus giving full legislative recognition, after more than half a century, to a need clearly recognized by the Committee of 1849. Even then the adoption of the Acts by the counties would almost certainly have been a slower process than was the case with the towns, and that was slow enough in the earlier period following the Act of 1855. London had only one adoption in thirty years, except the Guildhall library, which is a reference library. But a vigorous push came from the direction of the Carnegie United Kingdom Trust, which offered grants to cover the first five years' costs, on condition that the county undertook to carry on afterwards, and administer the library out of a county rate. If this was bribery, it was

bribery without corruption, and the effect has been remarkable. The county libraries came "not single spies but in battalions." Within a decade and a half every county in England, except three small ones, had its libraries, and some 18,000,000 more people had been brought into touch with the civilizing influence of books. Inevitably with a progress so rapid, and a movement so new to the counties—for such systems of itinerating libraries as preceded were confined to a very few counties, and, without a rate basis, could never have developed on adequate lines—the service rendered is more satisfactory extensively than intensively. Boxes of books sent out from the library headquarters, though changed at intervals, and supplemented by special loans from the central stock, are at best a substitute for a library. A library, properly so called, predicates a building or a room, a stationary stock of reasonable size, and a trained librarian. If it is now everywhere recognized in towns, where three generations have been in contact with the public library, that the personality of the librarian is an essential element in vitalizing the books, this is even more necessary in the country, where the book is still largely a novel recreation and an unfamiliar tool. Official staffs are small, the large army of voluntary workers can hardly be expected to do more than hand out the books to those who want them, and the location of the books in the village school, which in the lack of other accommodation presents itself as the most convenient, if not the only place, is not by any means an ideal arrangement. These weaknesses are recognized by those who wish to see the county libraries approximate, so far as the different conditions permit, to the urban libraries, and in the more progressive counties buildings or rooms are being provided in the more populous centres. They have a permanent stock, with a service from headquarters of particular titles, not represented on the local shelves, for students and others requesting them, and there is a paid librarian or assistant in charge. The Carnegie United Kingdom Trust make grants towards the erection of such buildings. A sort of half-way house between the box of books and a library home is provided by travelling vans, which visit the villages and supply a larger and fresher selection than any system of itinerating boxes can achieve. But the outstanding defect remains: the libraries are under-staffed and under-booked, the latter not so much perhaps in actual number of volumes as in the cheap, popular character of many of the county stocks, both the result of insufficient funds. Some foolish persons, ignoring the incompatibility of the data, and that the real cost of the county schemes has

been at least twice the cost to the ratepayers, owing to the gifts of the Carnegie Trust, have pointed with pride to the fact that the cost per head of the county services averages less than 4d., while the cost per head of the urban libraries is 1s. 4d. But the judicious have regarded the latter figure as marking the direction in which the counties must advance if the libraries are to fulfil the promise that is in them. The county authorities in fact must cease to think of a library service which is primarily cheap for a service which is primarily efficient. All library services are cheap, as, for the matter of that, are all local government services, for no money that the ratepayer spends brings him so good a return as his rates.

The mention that has already been made of the Carnegie United Kingdom Trust gives little indication of the immensely valuable formative influence that the Trust has exercised on the library movement as a whole, which has only been less important than that exercised by the legislature itself. The moneys given for buildings, for the purchase of books, for binding, etc. (amounting in a single year, 1933, to £75,667), are, from one point of view, less significant than the statesmanship and wisdom which has enabled the Trust to envisage the library situation in its broad aspects, to mark the immediate needs, and to direct their policy with a view both to these and the future. The well-intentioned but in some regards ill-directed generosity of Passmore Edwards, which burdened small authorities in Cornwall with buildings they could not support (a criticism which applies also to many of the gifts of Andrew Carnegie), has not marked the benefactions of the Trust, which Andrew Carnegie, perhaps the most splendid and most creative philanthropist of which commerce can boast, founded in 1913. These observations are germane at this point, because they seem fittingly to introduce the further steps which, under the inspiration of the Trust and helped by their funds, were taken from 1914 onwards to weld together, in a close co-operative union, the multiplicity of municipal, urban district, parish and county libraries which now criss-cross the country.

The idea of an over-library, which should have a roughly similar relation to the country as a whole that the central library of a town has to its branches, has doubtless occurred to many. To Great Britain belongs the honour of translating this conception into a fact. In 1916, with a grant from the Carnegie Trust, together with subsidiary grants from other sources, and private subscriptions, was founded the Central Library for Students. Its objects were the lending of books, free save

for postage, to group and individual students anywhere in the country, and to public libraries unable to buy the books required, or for which the demand was too special to justify local purchase. For fourteen years the library was carried on, with the Trust behind it, accomplishing much on little, and meeting a great need so obviously, that the practical support of the library authorities was enlisted, and contributions from this source, necessarily small, added a modest something to its resources. In 1930 it was reconstituted as the National Central Library, and in 1933 its new building, in close proximity to the University of London and the British Museum, the gift of the Carnegie Trustees, was opened by His Majesty the King. Its functions have grown rapidly. It is now not only a lending library, with the public libraries as its borrowers, but a clearing house, by which books from a large number of "outlier" libraries are located, borrowed, and dispatched to the requesting library, and thence into the hands of the particular reader from whom the request originated. The "outlier" libraries arose in the following way. Grants were made by the Carnegie Trust to the libraries of certain societies and institutions, on condition that their books were placed at the disposal, for lending purposes (through the public libraries, and in the case of some books for use in their reference departments only), of the National Central Library. The list of "outliers" now comprises eighty-one libraries of institutions, including such bodies as the British Cast Iron Research Association, the British Medical Association, the British Drama League, the Royal Asiatic Society, etc., etc., and some fifty urban and county libraries. By this means, in addition to its own stock, approaching one hundred thousand volumes, the library has access to over five million books, including twenty-eight thousand sets of periodicals. No such pool of valuable literary material, placed without charge at the call of any reader in the land, has ever before existed. It is with a feeling of shame that the writer records the astounding fact that the National Central Library—acclaimed as such in its Royal Charter of Incorporation—is without any national financial aid, except for its bibliographical research department, which, important as it is, is not a function of the library proper. A very modest Government grant (£5,000 per annum) was recommended by the Board of Education Public Libraries Committee. This recommendation, referred for some mysterious reason to the Royal Commission on National Museums and Galleries, a body not concerned primarily with libraries, and which could not have the knowledge acquired by the Board of Educa-

tion Committee in its exhaustive investigation, rejected the recommendation, the lending of books not being, in their opinion, a suitable object for State aid. A national library, performing a national function, not a suitable object for State aid! Then no library should have State aid. Such an attitude is so illogical, so lacking in rhyme and reason that it cannot, one must suppose, be the permanent attitude of any Government. In the meantime the National Central Library must stand, not so much for what it has done and does, as for what it might do, should do, and desires to do, were it national in other than in name and in work.

The National Central Library is obviously of greater value to the smaller urban and to the county libraries than to the libraries of the great towns, which must necessarily purchase many expensive works for their own use which are out of the reach of and would be out of place in the smaller collections. It is, indeed, the declared policy of the library not to buy books on demand from a large library, or even a small one, which they might reasonably be expected to possess. The reference collections of such public libraries as those of Liverpool, Manchester, Birmingham, etc., are the product of long years of careful buying, of gifts, and of bequests, and rank amongst the notable libraries of the world. These libraries, though financed by their own citizens, serve impartially a wide area of which they form the natural centre; they are, in fact, the British Museums of their locality. Any reader can consult them without an introduction, no matter where he lives, and though he may pay not a single penny towards their cost; his name and address suffice. But it has been necessary that he should visit the library in person. The Board of Education Public Libraries Committee, amongst their most important recommendations, suggested that the wider service already rendered by the institutions referred to might be extended, and more definitely organized; that they should become in fact regional libraries, and function in relation to their own congeries of towns in much the same way as the National Central Library in relation to the country, lending from their own stocks, and acting as a clearing house for inter-loans between the libraries of their region. By so doing they would save unnecessary duplication in buying, strengthen immensely the resources of the participating libraries, make every book bought subserve its utmost usefulness, and incidentally reduce the calls on both the stock and the staff of the National Central Library. The recommendation of the Departmental Committee, depending upon municipal intelligence and

public spirit, and not on the Central Government, was soon adopted. In 1931 the first regional scheme, covering the northern counties (Northumberland, Cumberland, Durham, Westmorland) was inaugurated, with the help of a grant from the Carnegie Trustees towards the cost of the compilation of a union catalogue (i.e. a catalogue of the books in all the libraries of the region), and the running expenses of the regional bureau, which in this case is established at the library of the Newcastle Literary and Philosophical Society. There are now five of these regional systems in operation, covering thirty-two counties, and others are in contemplation, so that it would seem that what has been called the "library grid" will soon be complete for England and Wales. London, which has no dominating public library, like those of Liverpool, Manchester, Birmingham, etc., in their respective areas, has nevertheless formed a co-operating unit, and is compiling a union catalogue, housed at the National Central Library, thus materializing what was deemed at the time a mere dream of Lord Passmore's, in a paper he read before the Library Association in 1902. It is unfortunate that all the regional catalogues are not in the same form, some being on cards, others in the form of the loose-leaf book (the sheaf catalogue). While the loose-leaf has the convenience of enabling carbon copies of entries to be made at one typing, whereas each card must be done separately, printed card entries cannot be inserted. Yet the printing of all catalogue entries either by the regional libraries or by the National Central Library (the former perhaps preferably) is a long-delayed reform, which the regional schemes have brought entirely into the field of practical politics. For many years attention has been called to the waste of time and money and of efficiency in every library cataloguing its own titles, and in many cases the same titles as its neighbours. One cataloguing, if the entry were printed, would suffice for all. The disproportionate, necessarily disproportionate, demands made on the principal library, where this exceeds the other libraries considerably in "book-power," is another difficulty, and involves a strain on its stock which should be met by some financial contribution from the libraries which draw on it. The figures of the West Midland library region are eloquent in this regard. The Birmingham public libraries, where the regional bureau is situate, supplied more than 85 per cent of the loans in its area in 1933-34, and it is a safe assumption that many of the loans were of the more expensive books. But the regional schemes are still in their infancy. They represent, with the National Central Library, a great idea, which does

honour to the governing bodies of the municipal libraries, and offers an example of unselfish co-operation to many other departments of the national life.

We have hitherto dealt with the outward growth of these institutions, their increase in numbers, in resources, and in their inter-relations. Their inward growth, i.e. their growth in function, has been as remarkable. In their first years, and for long afterwards, the libraries were content with getting books and circulating them. That is no longer regarded as constituting "the whole duty of the librarian," or of the library, nor is the simple provision of books for lending and reference, of magazines and newspapers, any longer an adequate description of the activities of the modern public library. Not that the developments, of which space will permit only rapid mention, are really new. Their beginnings date back to the early, and in some cases the very earliest, years. In the minutes of the first Library Committee of Manchester, it is categorically laid down that one of the objects of the library shall be the collection of books in aid of commerce and manufacture. That was very definitely a far-sighted anticipation of the highly specialized departmental commercial and technical libraries which, during and since the war years, have been formed at Manchester, Glasgow, Birmingham, Leeds, and elsewhere. Wherever these libraries have been established they have become a vital factor in the business life of their communities, which have been wise enough to see that the old methods of trade are no longer applicable to the modern world, and that organized information is an essential element of twentieth-century business. In 1852 the Manchester Libraries Committee organized public lectures on books, which, though, we are told, "attended by crowded audiences," were not followed up by other series till nearly forty years later. But here is certainly anticipated the lectures, the reading lists on particular topics, the bulletins and library magazines, which are now so excellent a feature of public library work almost everywhere. The personal guidance of the library staff: the wide recognition of the librarian, not merely as the custodian of books, but as their interpreter, the energizing intermediary between the book and the reader, the seeker and the sought, has come later, with the demand for a better educated and a better trained staff.

The work with children, so significant and so tremendously important a side of the modern library, like most of the other activities, has its roots in the past, transformed as it is both in technique and in spirit. The old "boys' rooms" (usually so called, though girls were

admitted), with their harassed junior assistant in charge, and the equally harassed porter not far away (sometimes the latter was in sole command), their main duty being to keep the youngsters quiet, a difficult and often a heart-breaking task, have little in common with the children's or young people's rooms of to-day. These, with their comfortable and artistic fittings, their open shelves, pictures and flowers, their sympathetic and trained librarian, to help the children to realize that the room is theirs, theirs to strike their own trail through the wonderland of literature, are perhaps the brightest and most attractive departments in a modern library building. The "keeping order" bogey has simply disappeared. The children are interested, and have discovered that it is more fun to enjoy the room and its amenities than to annoy the official, officialdom having discovered on its part that if children are treated as nuisances, nuisances they will certainly be. Consider them as the future library public, and it is obvious that if that public is to use the library to the best advantage, it is the reading habits of children which must be fostered and guided.

The contacts with formal education—and it is in relation to children that the library most clearly overlaps with the school—are comparatively recent. Through most of the nineteenth century there was, strange to say, a reluctance on the part of educationists as a body to recognize the public library as an educational institution at all, in any sense that mattered. This was succeeded (the libraries having grown considerably in resources and prestige) by a claim in many quarters that the library committees should cease to be independent bodies, and become sub-committees of the education committees. Library opinion, as voiced by the Library Association, was opposed to the suggested transfer on various grounds, one being that the record of the library committees was a highly creditable one, and did not justify their abolition, and another, that the freedom of action of the libraries, and their readiness to cater for all sections and wants of the population, would be endangered if they were conceived of rather as instruments of education than of recreation and culture in the wide sense. The proposal was one of the specific subjects of inquiry by the Departmental Committee, which recommended no change in the present authorities, and so set the controversy at rest. (The county libraries, it should be remarked, are managed by the education committees of the county councils.) That the library should co-operate in any and every way possible with education had long been an article in the creed of librarians, and in 1898 the Cardiff

Library Committee were successful in establishing a mutual arrangement with the Education Committee of that progressive city under which lending libraries were provided in the elementary schools. The cost of books and binding was borne by the Education Department, and the library supplied the administration. Boxes of books were sent by the library to the schools, and exchanged for other boxes at regular intervals. On this plan, with minor variations, systems of school libraries have been adopted in many other places, though there are still towns which pride themselves on their education facilities and yet are without school libraries. In this manner the children's rooms at the libraries, and the collections at the schools, supplement each other, and the schoolmaster and the librarian, each in his own way and place, share the difficult task of guiding the imaginative life of the child, chiefly dependent as it is on the books read.

When the Cardiff system was launched, it was thought by some of its promoters that the problem of the child and its reading was solved. A forward step had certainly been taken, but the only problem solved, to a certain extent, was the book problem. The reading problem still remains unsolved: the task is to persuade, or rather to create the desire in children to read good stuff. The very extent of the literature now written for children is itself a difficulty. Much of it, although harmless in itself, is written precisely to their level, and makes no demands on their intellectual capacity, taste, or higher imagination. But, after all, the work is in the experimental stage, and so long as the librarian and the schoolmaster, and their masters, recognize that the problem is there, and that its implications spread far, there is hope for a generation to whom the library will be one of the things that make living worth while.

Administration has necessarily reflected the changes which have taken place in the conception of the purpose and aim of the municipal library. Edward Edwards, in his *Free Town Libraries* (1869), laid down lines of management, which, during his day and for many years after, governed the general conduct of these institutions. His book was the precursor of the large body of professional literature which has arisen since. Its place was taken by Thomas Greenwood's *Public Libraries* (1886, with later editions, the last in 1894), a book which was the guide, philosopher, and friend, alike of promoters, authorities, and librarians, for a decade of much activity in the movement throughout the country. But the year 1894 marked nothing less than a revolution in the conduct of public libraries, the influence of

which extended to every department of the library service, including even the planning of the buildings. Up to that time the public had no access to the shelves from which they borrowed, any more than they have to the tickets they buy at a railway ticket office. They obtained their books at much the same sort of opening in the screens which topped the lending library counter—the “indicator,” a mechanical contrivance which enabled borrowers to ascertain what books were available and what not. It was a wearisome business, but an improvement on handing in a list of books wanted, for which search had to be made by the staff. James Duff Brown, then librarian of the public library of Clerkenwell, and his committee, abolished all this at one stroke, by admitting the public to the shelves, to choose their books by personal examination, instead of through the medium of a catalogue, and scrutinizing columns of numbers in an indicator. And the catalogues, to about the same period, were generally ill-arranged and uninformative. It will surprise nobody familiar with the history of all drastic innovations, that the one in question ushered in the most prolonged and bitter controversy that has ever raged in the ranks of librarians. A few libraries followed the example of Clerkenwell, but for some years they could be counted on the fingers of two hands. Again, however, following historic precedent, when the advantages of the new system became more and more apparent, and when readers who had experienced the value of the “open access” régime resented their exclusion in the closed libraries, the adoptions rapidly increased, and finally swept the board, and a public lending library without access to the books would now be a curiosity. The significance of this brave innovation lies not so much in itself, great as that is, but in its effects in other directions. If public libraries are possibly to-day of all local government services the freest from red-tape and irritating restrictions, it is “open access” and the spirit of it which is mainly responsible. It brought staff and public together. In dispensing with the physical barrier of the counter, it abolished the psychological barrier. It extended a similar freedom to the reference libraries, some of which are entirely open, and others have many thousands of books which can be consulted without formality. One of its immediate effects was to force “close” classification, i.e. the detailed arrangement of books by subject, into the position not of a convenience but an essential. It would clearly be useless to introduce borrowers to books with no subject order, or with so wide and generalized an arrangement as to be practically orderless. The man who wants a text-book of

astronomy must find it under "Astronomy," and not under "Science and the Arts," the kind of heading common—when there was any heading at all—in the pre-access era. Cataloguing, which many feared would become, so far as public libraries were concerned, a "lost art" with the advent of open access, has actually become a highly developed aid to the serious reader, and the non-serious reader too. There was a time, strange as it may sound, when the pundits of the profession considered it to be entirely against the canons of the vocation to add an explanatory note to a title. That was "bad cataloguing." If the title did not give sufficient indication of what the book was about, so much the worse for the title—and the reader. To-day the catalogues, bulletins, and reading lists issued by the libraries are models of what such things should be, and in strong contrast with the pretentious, bulky, and confused catalogues formerly in vogue. The bookcases with no shelf beyond normal hand-reach, though not the actual outcome, any more than detailed subject order, of open access, are in their universal acceptance as the only sensible form of display and storage practically a by-product of the system. As with Edwards, the only memorial to Brown is the result of his work, with which few indeed of the thousands who benefit by it associate his name.

In a lecture given by the retiring Director, Dr. Baker, before the University of London School of Librarianship—the name suggests the strides which have been made in the training and education of library assistants—he laments that public libraries were not scientifically organized from the start, and from 1870, under the Board of Education. We do not share his regret. The library as a department of local government was a new idea, an experiment which most people in the country regarded with suspicion, if not with definite animosity. When formal education was not indifferent, it was hostile or slightly contemptuous. These prejudices and misunderstandings had to be lived down. The earlier librarians were without training, and mostly without any pretensions to learning or scholarship (Edwards was an exception). They were neither university nor college men. "A library service was improvised": true, but in the absence of experience, it would seem that it could not have been done otherwise. Experts are the result of experience, unless they are self-created. Moreover, these "men who were before" were, for the most part, men of natural ability and initiative, and many were excellent bookmen. Witness the great collections at Manchester, Birmingham, Glasgow, etc. They had high ideals of public service, and with small salaries and restricted finances

they laid securely the foundations on which the better organization of to-day has been builded. They kept the libraries in touch with every section of the public, and every development had a public opinion and a public demand behind it. Nor must the library committees, without which the official can do nothing, be forgotten in this just tribute to their achievement. Most of their members knew little of books or of libraries. They were just typical councillors, members of library committees because somebody had to be allocated to these committees, honest, shrewd, with many prejudices, and generally without culture—as in the broad mass they are to-day. The libraries might easily have been run in the narrow spirit of the partisan, political, religious, social. They were not. With negligible exceptions, they have never been. The story of the public library is as typical of the Anglo-Saxon genius for government as any other activity of the municipalities. And it is, in our opinion, all to the good that the public libraries grew up as they did, in that broad and catholic atmosphere which it must be the hope of all who believe in the freedom of thought and knowledge they will continue to maintain.

## CHAPTER XII

## MUNICIPAL MUSEUMS AND ART GALLERIES

*by*

SIR FREDERIC KENYON

MUSEUMS, as we now know them, are a comparatively late development in the history of civilization. Before the middle of the seventeenth century such collections of antiquities and objects of art as existed were the ornaments of the palaces of princes and the houses of wealthy individuals. The first collection deliberately designed as an instrument of general culture, and to which the name of Museum was given, was the Museum Tradescantianum formed in a house in Lambeth to contain the coins, natural history specimens, and miscellaneous curiosities of the two John Tradescants, father and son, of which a catalogue was published in 1656. In 1659 the younger Tradescant presented it to Elias Ashmole, who in turn presented it in 1677 with his own additions to the University of Oxford, where it forms the nucleus of the existing Ashmolean Museum. The next is the collection formed at Chelsea by Sir Hans Sloane (1660–1753), the bequest of which on his death to the nation was the origin of the British Museum. England may therefore (in virtue of the initiative of these private individuals) claim to be the originator of museums as the possession of the nation or of public bodies and intended to serve the cultural interests of the general public. But it was not until the nineteenth century was well advanced that, with the growth of interest in archaeology, museums came to be recognized as an indispensable element in the education of the people.

The history of museums as a department of local government is closely associated with that of public libraries, and many of the provisions relating to them are contained in the various Public Libraries Acts. Their legislative foundation was, however, slightly earlier. The first Museums Act was passed in 1845. It is a short Act, authorizing the councils of municipal boroughs with a population of more than ten thousand to erect and maintain museums of art or science, and to levy a rate of not more than  $\frac{1}{2}d.$  for the purpose. The charge for admission is not to exceed 1d. a head. The first museum founded under the provisions of this Act was that of Colchester in 1846. At

that date forty-four\* museums which survive to-day were already in existence, of which three were national, six were attached to universities or colleges, and thirty-one to some of the literary, philosophical, and scientific institutions or societies which sprang up in great numbers in the latter part of the eighteenth and the first half of the nineteenth century.† Only three (Carlisle, Dover, and Manchester) appear to have been then under municipal control.

The Act of 1845 was superseded by the Public Libraries Act of 1850, which authorized boroughs with a population of more than ten thousand to erect and maintain museums, but required them first to take a poll of the burgesses. The rate limit was maintained at  $\frac{1}{2}d.$ , but admission was made free. This, again, was superseded by the Public Libraries Act of 1855, which reduced the population limit to five thousand, and substituted a meeting of burgesses for a poll, at which a two-thirds majority was required for adoption of the Act. Parishes of the same population might also adopt the Act with the consent of two-thirds of the ratepayers, the administration of the museum being consigned to commissioners; and two or more adjoining parishes might combine for the purpose. The rate limit was fixed at 1d., but this had to cover libraries as well as museums. The Public Libraries Amendment Act of 1866 abolished the population limit, and authorized the adoption of the Acts by a bare majority of burgesses, instead of two-thirds, but otherwise made no important change.

For the first forty-five years of their existence progress in the establishment of municipal museums was slow. In 1891, when the next important Act was passed, there appear to have been fifty-nine museums or art galleries in existence under local control, including those of Birmingham, Bolton, Brighton, Derby, Leeds, Leicester, Liverpool, Manchester, Nottingham, Salford, Sheffield, York, Dundee, and Belfast. Several of them were attached to public libraries. The next decade, however, showed a considerable advance, arising from two Acts passed in 1891 and 1892. The Museums and Gymnasiums Act of 1891 abolished the meeting of burgesses to adopt the Act, giving the urban authority power to adopt after public notice given and thereafter to provide and maintain museums for the reception of local antiquities or other objects of interest. Free admission must be given

\* The statistics which follow are taken from Sir H. Miers' *Report on the Public Museums of the British Isles* (1928), prepared for and on the initiative of the Carnegie United Kingdom Trustees.

† By far the oldest of these is the Museum of the Spalding Gentlemen's Society, founded in 1710.

on at least three days in the week; otherwise the authority could fix its fees. Rooms might be granted for lectures, exhibitions, etc. The rate was fixed at  $\frac{1}{2}$ d. (and the same for a gymnasium). By the Public Libraries Act of 1892, which repealed the Act of 1855, every urban district, and every parish not in an urban district, was constituted a library district, and could adopt the Act on ascertaining the opinion of the voters by voting papers. The urban authority or parish commissioners could thereupon provide libraries, museums, art galleries, and schools for science or art within the limit of a 1d. rate (which limitation, however, did not apply to London). No charge might be made for admission.

Under these Acts, which ruled the situation for nearly thirty years, marked progress was made. Seventy museums or art galleries date their existence to the decade from 1890 to 1899, eighty-one to 1900-9, sixty-two to 1910-19 (which includes the war period), and eighty-one to 1920-30. The only legal modification that need be noted is that by the Public Libraries Act of 1901 (which was to be construed with that for 1892, which remained the principal Act) power was given to apply the Libraries Offences Act of 1898 to museums, and any urban authority which had adopted the 1891 Act might bring under it any museum provided under the 1892 Act. The Act of 1891 was also made applicable to London.

So much for the legislative history of museums under local government. Their present basis is the Public Libraries Act of 1919, which repealed the Act of 1891 so far as it related to museums. Its chief features are that it abolished the limitation of rates, leaving the authorities free to spend what they think fit on their libraries and museums; and that it made county councils library authorities, to which parish and urban authorities may transfer their powers if they like. The county council acts through its Education Committee. The power of transfer is likely to be of more use in the case of libraries than museums; but the smaller museums may find it useful. At present only three museums appear to be under county councils, and two of these are in London.

The local application of these Acts differs curiously. None of them applies to Scotland. The Act of 1891 applied to England (excluding London), Wales, and Ireland, the Act of 1892 to all England and Wales, the Act of 1901 to England, Wales, and Ireland, the Act of 1918 to England and Wales, and the Act of 1919 the same. Scotland has its own legislation, the principal authority being the Public

Libraries Consolidation (Scotland) Act of 1887. An Act of 1920 limits the library rate (including museums) to 3d. By the Local Government (Scotland) Act of 1929 the powers under the Education Act of 1918 and the Public Libraries (Scotland) Acts of 1887-1920 were vested in the county councils. Northern Ireland is under the Act of 1891, modified by various Irish Acts from 1855 to 1924, and has a rate limit of 1d., which may be increased with the consent of the Ministry of Home Affairs to 2d. in urban districts and 6d. in county boroughs.

The net result is that every part of the United Kingdom is under a local authority which has power to found and maintain a museum. In England and Wales there is no statutory limit to the authority's expenditure, while in Scotland and Ireland it is limited as just stated. In municipal, urban district, and parish areas the authority is the corporation or council, working generally through a Museum and Library Committee; in counties it is the County Education Committee. There is thus ample legal provision for the establishment and maintenance of museums and art galleries. The next step is to see what use has been made of it.

The latest census of museums\* shows a total of 593 museums and art galleries in the United Kingdom. They may be classified as follows:

National .. .. .. .. .. .. .. .. .. .. .. ..	32
Belonging to Universities and other educational institutions .. ..	69
Owned by societies or individuals and supported by subscriptions, fees, or endowments .. .. .. .. .. .. .. ..	181
Rate-supported .. .. .. .. .. .. .. ..	311
	593

This class-division is not absolutely precise, since in some instances local authorities contribute to the support of museums not under their exclusive control; but the figures give an approximately accurate view of the status of the institutions over the whole kingdom. The museums differ very greatly in size and value; many are, in fact, quite unimportant collections, and some are confined to very special purposes.† They are spread sporadically over the country, without plan and without reference to the density of the population to be

\* *The Museum Directory*, 1931, published by the Museums Association.

<sup>†</sup> Thirty-seven are devoted to the commemoration of single celebrities (Shakespeare, Burns, Carlyle, etc.).

served. Several small villages have museums; on the other hand Croydon, with a population of about two hundred thousand, has none. Areas noted by Sir H. Miers as being especially poorly served are Derbyshire, the Grimsby area, Central Wales, and Western Scotland; in the two latter instances, difficulties of communication and sparsity of population must be taken into account.

Out of the total of 593 institutions, 116 specifically describe themselves as being or including art galleries; but many of those not so described do in fact contain pictures to a greater or less extent, and the majority of those which are not exclusively natural history museums include objects which may be regarded as works of art. Of the 116, 104 are under municipal or other local control.

It may therefore be said that ample provision exists in this country for the establishment of museums, and that the total number of museums and galleries in being makes a respectable show. It is one thing, however, for a museum to exist, and another for it to be adequately maintained. This, it must be admitted, is the other side of the picture. It has been said, and with only too much truth, that the museum is the Cinderella of municipal services. When Sir Henry Miers made his survey in 1927 for the information of the Carnegie United Kingdom Trustees, he could paint but a gloomy picture of the general quality of the museums of the country; and the experience of all who are acquainted with any considerable number of these institutions fully confirms his verdict. There are two passages from his Report which do not overstate the facts:

“The stronger one's belief in the great work they (the museums) do, the stronger is the conviction that at present, in spite of noteworthy exceptions, they fail—and fail lamentably. There is no doubt that the country is not getting what it should from the public museums, and that most of them are not going the right way to supply what is wanted.”

“To put it bluntly, most people in this country do not really care for museums or believe in them; they have not hitherto played a sufficiently important part in the life of the community to make ordinary folk realize what they can do. The very word ‘museum’ excites quite the wrong impression in the minds of people who have never seen one of the few that are really good. This is not surprising when one considers how dull many of them have become, and how low the worst of them have sunk.”

The principal causes of this distressing state of affairs may be summarized as follows:

1. Lack of principle in organization. Most of the museums in the country have grown up without plan, and their collections have been made fortuitously. In many cases they have been made the dumping ground for casual assortments of ethnographical and other specimens, brought back by travellers from abroad, and passed on to the local museum when their owners have become tired of them. A good number have specimens of local antiquities and of local natural history, which should be the first care of a local museum; but these are surrounded by casual examples of any kind of antiquity, inadequate to give any reasonable idea of the civilizations they represent. Very few have their contents adequately displayed and fully and instructively labelled. Museums should concentrate on those subjects which they can represent with some adequacy, disposing of the surplus by exchange with other museums, or even by destruction, and resolutely refusing acquisitions which do not fall in with the plan adopted. The objects retained should then be clearly labelled and explained. Frequent changes should be made in the objects exhibited, in order to keep public interest alive; and full use should be made of propaganda in the local Press.

2. Inadequate staff. Very few museums have a competent trained curator. In some cases the librarian is expected to act as museum curator also; in others the curator is a volunteer; in others little more than a caretaker. Full-time paid curators are a small minority. Volunteer or honorary curators may be fully competent, and their acceptance of such a position is a proof of zeal; but no community has a right to take advantage of such disinterestedness, and it is obviously impossible to count on a continuous supply of such services. Nor can it ask from a volunteer anything more than he is prepared to give. If a community is fortunate enough to have a competent curator who refuses a salary, it should devote to the improvement of the museum the sum which it would otherwise have to pay for his services. Again, the salaries of the paid staffs are deplorably low; and it is to be feared that this reflects the estimate placed by local authorities on the museum service generally. It is not creditable to local administration that Sir H. Miers should be able to say (and he is not given to exaggeration) that in only about a dozen museums out of the whole number is there a full-time curator with an adequate staff.

3. Lack of co-operation. Some of the defects of museums could

be cured by co-operation. The prime needs of a local museum are that it should give an adequate representation of those subjects on which it elects to concentrate, and that it should stimulate interest by frequent changes of exhibition. Both of these aims can be met by interchange with other museums. Exchanges can either be permanent, when a museum divests itself of objects which do not fall within its own plan by presenting them to another which has collections of that particular character; or they can be temporary, when one museum lends objects to another for the purposes of a temporary exhibition. In this way each museum can have a really interesting and instructive exhibition of a particular subject or a particular period, instead of each having an inadequate representation composed only of the objects which it happens itself to possess. The library service of the country has in the last few years made an immense advance in efficiency through the substitution of co-operation for isolation, but the museum service has only taken the first steps in this direction.

4. Inadequate finance. This lies at the root of most of the difficulties and defects of museums. It is a useless gesture to remove the 1d. rate-limit when in fact few authorities, if any, approach that limit. Exact statistics are unobtainable, for in many cases the museum rate is merged with the library rate, and all that can be said is that, where this is the practice, the museum invariably comes off second-best. In other cases the accounts of the museum and the art gallery are merged. It appears, however, to be within the mark to say that the museums of the country do not, on an average, receive even so much as a  $\frac{1}{2}$ d. rate. With resources so limited, it is not surprising that curators and staff are inadequately paid, that show-cases are too often poor in quality or quantity, that little is done to add to the attractions of the museum, and that too often even cleaning and renovation, to say nothing of labelling, are neglected.

The truth of the matter is that, until quite recently, local authorities, with a few praiseworthy exceptions, took very little interest in the museums for which they were responsible, and grudged expenditure upon them. Ultimately, of course, the blame rests with the community itself, since town councils are generally responsive to the wishes of their constituents. It may be repeated, however, that governing bodies have the duty of leading, as well as following, and that this is especially needed in matters of education. In education generally, supply has preceded and created demand; and this is emphatically true of libraries and museums. The public has to be convinced

that libraries and museums have something really valuable to give them.

It would not be fair, however, to give the impression that the museum service of the country is wholly to be condemned. There are many shining instances to the contrary. The galleries of Glasgow, Manchester, Birmingham (to name only the most notable) hold a leading place among the art institutions of the country; and several other places have collections which show real quality and taste. The museums, again, of most of the great cities are substantial contributions to the educational forces of the community, and some of the municipal authorities take a real pride in them. What is even more satisfactory and highly creditable to those responsible for them is the number of small museums which have character and are well cared for. Not only do large cities like Liverpool, Glasgow, Birmingham, Norwich, Hull, and Sheffield have museums of high class, well housed and administered (at Manchester the museum is shared by the University and the city), but Colchester, Ipswich, Salisbury, Shrewsbury, Reading, and some other places of relatively small size have collections of real merit and take a pride in them, to say nothing of the communities which are relieved of responsibility by the existence of local societies which maintain well-cared-for museums, as at York, Taunton, Newcastle, and elsewhere.

It is also fair, and very satisfactory, to note that the tide appears to be running in favour of museums, and that recent years show a marked improvement. In part this is due to Sir H. Miers' report, which has opened the eyes of local authorities and the public to the defects of the service; in part to the stimulus provided by the Carnegie United Kingdom Trustees, who are extending to museums the inestimable services which they have long rendered to libraries. There has also been a great awakening in the museum profession itself. The Museums Association, which formerly was a somewhat ineffective body, largely because the zeal of a few individuals was not adequately supported by museum authorities and staff in general, has (under the leadership of Sir H. Miers) renewed and vastly increased its strength, so that it can now really speak for the profession and exercise a powerful and stimulating influence on the museum movement. The principles of museum administration are becoming more widely known and recognized; the public is awaking to the services which museums can render to them; and the museum world is putting its house in order.

The Royal Commission on National Museums and Galleries

included in its Final Report (1929–30) some recommendations for co-operation between national and local collections. This, it is suggested, should take the form of organized loans from the national institutions to their local comrades. The nucleus of such an organization already exists in the Circulation Department of the Victoria and Albert Museum, and loans are already made by the National Gallery and the Print Department of the British Museum. It is recommended that the other national museums and galleries should contribute more largely from their surplus stores to this Department, for which enlarged quarters should be found in a separate building; pending which the Department should act as a clearing-house for all loans. In Wales a more far-reaching system of affiliation between the national museum and local museums, including periodical visitations, expert advice, and a mutual interchange of objects, has been in operation for some years; and the Royal Commission recommends that similar relations should be established by the great national institutions in England and Scotland with the museums and galleries under local control. It is further suggested that the British Museum should be the recognized centre for all the archaeological excavations which contribute so much to the contents of the provincial museums. Both of these suggestions are based on recommendations by the President of the Society of Antiquaries (Sir C. Peers), which at present is the principal centre of organized excavation in England. It has only to be observed that if the guidance and inspection of local excavations are to be part of the regular duties of the staff of the British Museum, some increase in the numbers of the staff will be necessary.

No extensive action on these recommendations of the Royal Commission has yet been taken; but it is generally recognized that the friendly relations between the national and local museums should be strengthened, and co-operation made fuller and more practical. Some progress has been made with the formation of regional groups, which (as already shown in the case of libraries) is an important stage in the process of linking up the isolated local institutions into a federated national system.

It must be recognized that the public appreciation of museums has greatly increased during the last generation. In part this is due to improved administration, which has made museums at once more attractive and more instructive, and which has recognized the value of public propaganda—a work in which the Press has given ready and very valuable assistance. The national museums, with their vastly

superior resources, have led the way, and the more active local institutions have readily followed it. Organizations such as the National Art Collections Fund and the Friends of the National Libraries (both of which give assistance to local museums and galleries as well as to the more strictly national collections), and the Friends of the various museums, cathedrals, etc., have done much to stimulate interest and give it effective force, and to make the public generally more museum-minded.

But perhaps the most powerful force lying behind the whole movement is the development of archaeological research and the striking results achieved by it. Sporadic researches in lands of archaeological interest were made in the eighteenth and even the seventeenth century, and local antiquarians in England did interesting work, to which we are much indebted to-day; but it is only within the last half-century that the value of such research has been fully recognized, and its methods scientifically systematized. Since Schliemann's amateur excavations revealed the Mycenaean civilization and the remains of ancient Troy, archaeology in the East has added whole chapters to our knowledge of the history of man. The civilizations of Minoan Crete, of the Hittite Empire, of Sumerian Mesopotamia, of the prehistoric Punjab, have been made known for the first time. Much has been added to the history of Egypt, and still more to our acquaintance with its art. Ur and Tutankhamen have become household words. The whole subject of what is now designated "prehistory" has been invented, and discoveries elucidating the origins of the human species have been made in countries so far apart as England, East Africa, Java, and China. At home intensive work has been done on the remains of Roman Britain and the periods immediately preceding it, notably on such sites as Silchester, Uronicum, the Roman Walls, Richborough, Colchester, and St. Albans, but also on a number of smaller sites up and down the country. The results of all these researches, widely made known in the popular as well as the scientific Press, have caught the fancy of the public and brought them in large numbers to visit the museums in which they are displayed. A general interest, both in the primeval history of mankind and in the local history of particular places, has been stimulated, and the public are learning that a well-administered museum may be a place of live interest and not merely a dump of unintelligible curiosities.

It is therefore permissible to end this survey on a note of hope. The past treatment of museums by municipalities left much to be

desired, and there is still much leeway to be made up. Increased interest in museums has not yet in many places manifested itself in improved methods of display, in adequate staffing, or in better remuneration. In times of economic stringency there is still the tendency in local as well as national finance to place any need of the body before any need of the mind. Nevertheless, it may confidently be affirmed that the museums and art galleries have successfully asserted their right to consideration. A museum is recognized as an ornament to a town, and one which any self-respecting community should possess. No councillor has any reason to be ashamed or apologetic in advocating increased expenditure on museums if such expenditure is legitimately possible. On the contrary, a neglected museum is a discredit to the community and the governing body responsible for it, and public opinion can be readily persuaded in most places that something must be done about it. It is legitimate to hope that the second century of local government will not be far advanced before every urban centre will have its museum of local history (including natural history), and of such other subjects as circumstances may allow it to develop adequately; when folk-museums, recording local life and industries, will be more common; when museums will have acquired the habit of helping one another; when the needs of rural areas will be met by travelling collections or such other means as may be possible; when museum buildings will be adequately lighted, not overcrowded, with sufficient storage for reserve collections, and with the exhibited objects intelligently labelled; when museum staffs will be adequate in number and decently remunerated; and when corporations and councils will regard their museum and their art gallery (if they have one), as well as their library, as among the principal objects of their care and pride. Then the museum service will be the Cinderella of local administration in her glory instead of her degradation.

## CHAPTER XIII

## THE POLICE AND PUBLIC SAFETY

*by*

H. FINER

NOTHING but a deliberate and very prolonged search of his experience can bring home to the citizen the remarkable efforts local government authorities make to safeguard his person and his property. This process is necessary not because the local authority does nothing, but because it does so much, does it so well, and does not boast that it does it. We are surrounded by safeguards against dangers of the gravest kind; but all function so quietly, and have entered into our heritage so mute about the efforts that went to their making, that we take it all for granted. The police, in the sense of the constabulary, are the general guardians of our safety; that is, they function to prevent wrongs like theft, housebreaking, and personal attack and molestation, and then to bring the culprits to justice. Around these primary functions has accumulated a formidable list of duties which we enumerate later on; duties, for example, in relation to traffic, the carrying of firearms, etc. But the functions of the police, however wide, do not exhaust the services of public safety. Many other threats of man's ill-will, or corruptness, or economic selfishness, or sheer inconsiderateness, or ignorance, are checked from injuring his fellow men, not to say himself, by the intervention of local government. Thus the local authorities prevent and fight fires, control combustible and explosive material, regulate buildings, especially of places in which the unsuspecting public might meet, light and pave the streets, keep them clear of obstructions, and so on.

One hundred years ago these services existed either in a very rudimentary degree or not at all. But to-day the country is policed by about 60,000 policemen. They cost the public altogether (year ending March 31, 1932) in the funds supplied by the local and the central authorities put together, £22,268,095 for police; for fire brigades, £2,455,353; and for lighting, £4,639,239.

It is difficult to estimate the amounts which can be specifically put to the account of public safety for the services of traffic control, building regulation, and miscellaneous controls. But already the total

is in the neighbourhood of £30,000,000. The *total* local expenditure in the year 1842 was only £11·6 million; that is, about one-third of what is spent on these services alone! Yet how small this sum is compared with the service rendered! It is unfortunate in the highest degree that we have not the means of measuring by statistics the service actually rendered in a subjective sense. That we may go about our business unmolested and unafraid, that so much property and so much traffic in goods may proceed without insurance, and without the establishment of private police associations as in the period before 1835, and without the heavy fire and life insurance of those times—all this is an incalculable boon to everyone, and not the least to those who own property. We proceed to trace the development of the services which have made such a gap between ourselves and our ancestors, and most attention must of course be paid to the police forces, for they are the mainstay of the service of public safety.

The English police system evolved as an implication of the principle that each individual is responsible for intervening to preserve the peace. The result of this principle is that England, unlike the continental countries, has no nationalized police force. It is beyond our purpose to inquire here into the ultimate reasons why the individual, and therefore local, principle became embodied in British government; but it did, and it has had striking consequences. The police force has always been under the control of the local authorities; before the Metropolitan Police Act of 1829, with practically no central direction; though responsibility to the whole nation was from the beginning the underlying principle. The various expedients of the early centuries in England—the responsibility of the chief man of the tithing, and of the tithing itself to the Sheriff of the County, and he to the Earl, and he again to the King; the responsibility of several tithings together grouped in the Hundred (every man in this wise being a police officer rewarded only by the satisfactions of peace, or avoidance of the fine payable if the law were broken and the criminal not discovered); the work of the local Courts Leet and Manorial Courts, which subtracted from the power and status of the Sheriff to the advantage of the feudal lord; the system of Hue and Cry; the amateur Watch and Ward of the towns introduced in 1285—all gradually merged into the police system of High Constables and Parish Constables appointed by and operating under the supervision of the Justices of the Peace of the County. This system lasted in London (with modifications) until 1829; in the boroughs (again with modifications)

until 1835; and in most of the counties until 1856. The modifications indicated above were either general statutes applying to particular places like London, or local Acts of Parliament applying to boroughs which were public-spirited and enlightened enough to desire a regular police force.

To understand the work of the reformers of one hundred years ago we must briefly review the situation they confronted. Since the middle of the fourteenth century the police system had been virtually handed over to the parishes, controlled and supervised by the Justices of the Peace. These were appointed by the Crown, but the essence of local government under the Justices was that the Justices were *local* gentry. The control of the central authority expressed itself not by the present-day method of *administrative* control, that is regular continuous control of the actual execution of the law exercised through the power of issuing mandatory rules, of inspecting, advising, and correcting, but only through *judicial* control, that is the passing of a judgment by the King's judges on those individuals, local authorities, or Justices of the Peace, who had not carried out their Common Law or Statutory duties. Though corrective of many local faults, and serving to inform the King's Council, this left the local authorities in a state of complete liberty for years, and sometimes for decades. How was this liberty exercised by the local authorities in relation to police? By the Act of 1662, as and when the Courts Leet or Manorial Courts defaulted in their pledging of citizens to police duty, the appointment of parochial constables was vested in the Justices of the Peace. A more or less regular system of rotation among the parishioners came into existence. They served a year; they were unpaid except by occasional customary fees, which in the early days did not amount to much; they were naturally untrained; they were glad to shuffle off their duties to others. The wealthier citizens paid for substitutes to replace them, for they could be fined for not accepting the office, and particularly public-spirited gentlemen paid for several watchmen and "thief-takers." The constable was the Justice's man, and was more or less under the direction of the High Constable, the principal officer of the Quarter Sessions in each Hundred. In the towns, this system existed also, except that the more public-spirited burgesses established forces of paid watchmen by special subscription. Not that they were worth much. For London, besides the parochial organization, there were special arrangements. This was quite natural for two reasons: the capital of a country is not merely a locality but the governmental

centre, and upon its preservation depends the peace of the whole nation; and, secondly, modern police problems and organizations are the natural consequence of urban civilization. London, therefore, leading in necessity, led also in invention. Already in the thirteenth century the City of London had a well-developed system of watch and ward—adequate number and regularity of patrols being its essence, as, indeed, they are the virtue of all civil police systems. Already in 1585 an Act of Parliament gave Westminster a special government, part of which was a regular and numerous gang of watchmen and constables assisted by paid beadles.

In spite, however, of further legislation in the early eighteenth century, the general system of unpaid service by reluctant householders who passed on their duties to old, incapable, and often corrupt substitutes, prevailed. All over the country there was a formidable amount of crime, to be accounted for by the growth of wealth and travel, which provided the spoil, the barbarous sentences, which caused juries to be lenient and criminals to be savage, and the ridiculous parish constable system, further weakened and made venal by the slackness and corrupt activity of a considerable number of "trading" Justices. The streets were infested with thieves, riotous bands of young men-about-town, marauders, and housebreakers, and the countryside around by vagrants and highwaymen. Until the middle of the eighteenth century the old "voluntary" system had served a largely rural civilization; immobility and permanent neighbourhood set limits to unpunished wrongdoing; the civilization of the nineteenth century, crowded and mobile, was now being born, and its character required a different system of police.

The lead was taken in London, or rather by a few remarkable men in London, and by the Government for the sake of London. Reform began with the efforts of Henry Fielding, the novelist, stipendiary Justice of Bow Street from 1748 to 1752, and his blind half-brother, Sir John Fielding, who followed him. In 1749 Henry Fielding, who wrote (1751) *An Enquiry into the Causes of the Late Increase of Robbers*, as well as *Jonathan Wild*, organized a professional force of constables to be at the call of the Bow Street magistrate, and paid by money supplied by the Government. These were aided by informers (the most notorious being Jonathan Wild), that is private persons who under various statutes would receive a reward popularly called "blood money" for information leading to the arrest and conviction of criminals. No one was safe from "frame-up" by informers. This

beginning was developed after Fielding's death by Sir John Fielding, and the "thief-takers" became known as the Bow Street "runners." Indeed, Sir John Fielding from his advent to office until 1780 was virtually Commissioner of Police for the centre and west of London, and as far beyond as was necessary to hunt for particular individuals or gangs. Out of the runners emerged a more organized system of patrols, to *prevent* crime. Horse patrols were added to deal with the main roads around London. With the continuous co-operation of the Home Office, the force was improved and increased. But this was not enough: burglaries and robberies in the central area led between 1770 and 1829 to no less than seven Parliamentary inquiries into the police system. In 1780 the Gordon Riots delivered the centre of London over to the mercy of the rabble for six days. In 1785 the Solicitor-General asserted that "no man could promise himself security even in his bed." Yet an attempt in that year by the Government to constitute a large united police district, with Commissioners of Police commanding all the various types of police, paid and unpaid, with nine stipendiary magistrates, as at Bow Street, presiding over local police districts, was defeated. The proposal was too novel; but a greater obstacle was the fear which has always lurked, and still lurks, in the English mind, of any organized inquisition into private lives. (It reappears, for example, in the Report of the Royal Commission on Police Powers and Procedure, 1929.) This fear is very healthy; but it can also impede necessary measures of protection of public safety, no less than in industry and commerce. Yet in a weaker form the principles of the Bill of 1785 were enacted in 1792.

One of the new magistrates was Dr. Patrick Colquhoun, a former merchant of Virginia, later Lord Provost of Scotland. His *Treatise on the Police of the Metropolis*, published in 1796, supplied the argument which was later on converted by the determination of Sir Robert Peel into the real foundation of our present system. The very essence of Colquhoun's proposals was professionalism combined with unity of command.

"The want of an active principle, calculated to concentrate and connect the whole Police of the Metropolis and the Nation; and to reduce the general management to system and method, by the interposition of a superintending agency, composed of able, intelligent, and indefatigable men, acting under the direction and control of His Majesty's Principal Secretary of State for the Home

Department. On these persons, it is proposed, should devolve the subordinate care and direction of the general Police of the Metropolis; so as to obtain, by the introduction of order and arrangement, and by efforts of labour and exertion, a complete History of the connections and pursuits of all or most of the criminal and fraudulent persons who resort to the Metropolis (either natives or foreigners); forming, from such materials, a Register of all known offenders, and thereby establishing a clue for their detection, as often as they are charged with committing depredations on the Public—with power to reward Officers of Justice, and all other persons whose services are found to be useful in the discovery or detection of delinquents of every description. To keep an Account of property stolen, or procured by swindling or fraudulent transactions, in the Metropolis, as well as in other parts of Great Britain: To establish a Correspondence with the Magistrates in Town and Country, so as to be able more effectually to watch the motions of all suspected persons; with a view to quick and immediate detection; and to interpose such embarrassments in the way of every class of offenders, as may diminish crimes by increasing the risk of detection: All this, under circumstances where a *centre-point would be formed*, and the general affairs of the Police conducted with method and regularity: where Magistrates would find assistance and information; where the greater offences, such as the *Coinage of Base Money*, and *Lottery Insurances*, would be traced to their source; the care and disposal of convicts, according to their different sentences, be minutely attended to; and the whole System conducted with that intelligence and benefit to the Country, which must arise from the attention of men of business being directed solely to these objects, distinct from all other affairs of State; and their exertions being confined principally to the preservation of the morals of the People, and the prevention of crimes.”

His proposals had no immediate effect, except that he secured the organization of the River Police by the West India merchants. The old system continued, punctuated by frequent murders and disorders which occasioned new Parliamentary inquiries. The Committee of 1818–20 still affected to believe that the “police of a free country was to be found in rational and humane laws—in an effective and

enlightened magistracy . . . above all, in the moral habits and opinions of the people." True, but what can the moral habits and opinions of a whole people do against the criminal tendencies of some of them, unless those habits and opinions are embodied in active institutions rather than hollow verbiage? Indeed, over five hundred private associations, called "Prosecution Societies," to promote the arrest of malefactors, had had to be established. In many towns, from 1750 onwards, Improvement or Police Commissioners were established. Local Acts enabled special bodies of trustees, with the power to raise rates, to appoint and manage bodies of professional police, in addition to the parochial police. Manchester, for example, by an Act of 1765, had a body of Police Commissioners. Such Commissioners did not confine themselves to constabulary work, but had a large range of powers in the domain of public safety, as, for example, the lighting of the streets, and the regulation of building—not that they exercised them properly.

The situation needed a man of abnormal administrative genius, that is, flair for the right solution and the personal will and resourcefulness to get the plans carried through, to convert the ideas floating in the air into action. The man who filled the rôle was Sir Robert Peel. As Irish Secretary, Peel had helped to establish the Royal Irish Constabulary, the first to get the name of "Peelers." As Home Secretary in 1822, only two years after the frightful scenes and bloodshed in London at the funeral of Queen Charlotte, Peel secured the appointment of a Committee of Inquiry, of which he was chairman. The Committee left things as they were, out of "affection for that perfect freedom of action and exemption from interference which was one of the great privileges and blessings of society in this country." A Committee now appointed thoroughly exposed the anarchy and crime that prevailed. A special emphasis was laid on the "lack of vigour and consistency of the police." The regular system of "compromising," that is making bargains with thieves and receivers to return stolen goods at a price, for example, showed how feeble the police arrangements were. The Committee proposed a Police Office acting under the immediate direction of the Home Office, and controlling all the forces in London and the suburbs. In April 1829 Peel introduced what became the Metropolitan Police Bill. Its preamble succinctly recites the cause of the existent state of affairs.

"Whereas offences against property have of late increased in and near the Metropolis: and the local establishments of the

nightly watch and nightly police have been found inadequate to the prevention and detection of crime, by reason of the frequent unfitness of the individuals employed, the insufficiency of their number, the limited sphere of their authority, and their want of connection and co-operation with each other. . . .”

Peel, writing to the Duke of Wellington, observed that he proposed to “teach people that liberty does not consist in having your house robbed by organized gangs of thieves.” And in the House of Commons he emphasized that “the chief requisites of an efficient police are unity of design and the responsibility of its agents.”

Now, if we piece these things together, we shall have the recipe for a proper police system for a whole country: adequate numbers; the fitness of the individuals employed; the sufficient range of their authority; unity of command in a large enough area; connection and co-operation with each other whatever the size of the basic area; and responsibility of the police to a proper authority. The stages in securing these came with the Act of 1829 for London, the Act of 1835 for the boroughs, and the Act of 1856 for the counties: but the finer points involved in this list of desiderata have taken decades to secure, and even adequate numbers were and still are difficult to obtain owing to the unwillingness to find the money. Let it be remembered that there was at this time no police science: this had yet to be constructed.

The Metropolitan Police were established under two officers (ultimately Commissioner and Assistant Commissioner) to control the force and frame regulations for its management subject to the approval of the Home Secretary, under whose immediate authority the Police Office, lodged in Scotland Yard, was to operate. Its area of operations was to extend to a radius of fifteen miles from Charing Cross—the Metropolitan Police District. Amid extraordinary public aversion and ridicule the “peelers” or “bobbies” began their duties, vilified as the “blue army” and other choice epithets. Henceforth, London as a community was excluded from the management of its police force, with the exception of the City of London, which was strongly enough entrenched to remain master of its own force. Thus the London County Council, the greatest local authority in the world, has no effective part in the government of the police force of its area.

The criminals, finding London too hot for them, went off to other towns, and the problem of reform there became acute. Furthermore, the turbulence of the new industrial crowds and the agitation of the

masses by revolutionary political ideas were more than threatening to person and property. There were terrible riots in 1831 in many large cities. Even Tory statesmen saw now that the corporations must be reformed: constituted as they were no one could entrust them with police powers. The reformed corporations were, in fact, even *compelled* to establish watch committees "to appoint a sufficient Number of fit men who shall be sworn in before some Justice of the Peace having Jurisdiction within the Borough to act as Constables for preserving the Peace by Day and Night and preventing Robberies and other Felonies, and apprehending offenders against the Peace." The *Watch Committee* was to be the authority over the police. The only element of the now developing central administrative control was embodied in the clause that the Watch Committee was to send to the Home Secretary a quarterly report of the numbers and equipment of the men, and from time to time a copy of the rules made by the Watch Committee or the Council for the regulation and guidance of constables. These police duties were thrust upon the boroughs regardless of their size, so that a fruitful cause of future inefficiency and controversy was created; for in the course of time people grew proud of their civic powers and were resentful of the suggestion that their own efficiency and economy (affecting their neighbours also) were obtainable only by their union with another borough or with the county. The Local Government Act of 1888 merged boroughs of less than 10,000 population in the county for police purposes, and forbade the authorization of a new force for a newly created borough whose population is under 20,000.

The thieves then betook themselves from towns to the country districts, where the parish constables were no match for them. Reform was difficult, as the Justices were very tenacious of their government of the county, particularly in relation to law and order. Not that they were efficient. The Royal Commission of 1839 revealed the utter impossibility of the system. How could it be continued against the vigorous logic of its Commissioners, Colonel Rowan, first Commissioner of the Metropolitan Police, Shaw-Lefevre, and Edwin Chadwick, Bentham's apostle in the theory of crime and punishment, the protagonist of centralization, already in operation through his influence in the new Poor Law, and of efficiency already applied to the reformed corporations? The railways and the canals were bringing into the country thieves who had a respect for the technique of their profession, which included speedy departure from the scene of their

depredations. And there was chronic industrial turbulence. On the other hand, paupers were sometimes made constables to save the poor-rate: the local innkeeper was not infrequently a constable; there was nothing like a pursuit of criminals; there were no regular lock-ups for those arrested. The fundamental difficulty was the division of the county into parochial areas, destructive of combined and connected action both in prevention and pursuit. Citations from the Report will actually show the minds of the builders of English local government at work. First, the argument for a county authority to replace the parochial police, though the doctrine is sound for the creation of large areas in most fields of administration:

“Without a general direction, there can be no enlarged or complete system of training, no local changes of forces, no freedom from local connexion, no economical application of a very small but extensively moveable force to produce the effects of a larger body of constables spread over the country, and no probable reduction of the force simultaneously with any reduction of the demand for their services, communication of information between the district and district, and no long-continued independence of the animosities of local parties. Be it as it may with other of the public services, unity of action is as essential to the efficiency of a constabulary force, as it is to an army or a navy, or to a postage system, and, whatsoever abusive name may be applied to such management, the early constitutional principle of the administration of justice of the country is that of central control, and we believe every departure from it has been accompanied by a diminution of advantage to the public.”

However, the forces were not to be nationalized, since local confidence was an important factor in general efficiency, but superintendence by the county was necessary for co-ordination. Police were to be appointed by the Justices. The existing example of the Metropolitan Police was evoked for the argument that the forces all over the country ought to be linked in some way, but this, which foreshadowed central control, did not come about until 1856. Secondly, supervision by London was proposed as a means of directing and mobilizing local energies; local responsibility to a distant centre would prevent the lapse into feebleness and indolence; London would propagate improvements:

"We find that improvements effected in any division are now, and would continue to be, lost to all others. Amidst the evidence collected by the Commissioners of Enquiry into the County Rates will be found instances of valuable administrative improvements which have for many years been in operation in particular counties without the slightest attempt at imitation in the counties adjacent or in any others. Responsibility to the community at large, or to the Legislature, is in proportion to the division into separate and independent divided and weakened until it is ultimately annihilated. With a combined national force under a responsible direction, the Parliament and through the Parliament the public ask with effect, Whence come these enormities? How is it that they continue? What endeavours have been used for their repression? What efforts have you yourselves employed? How is it that the success of those efforts has been no greater? Until there be a responsible direction to which these questions may be put, we see no probability of any rapid improvement in this branch of public administration."

Such trains of argument were creating the specifically English doctrine of local government, which built administration on a delicate balance of powers between individual citizens and the local authorities, and between these and the central government. It is noteworthy that the Commission recommended that the central authority might make a grant-in-aid of one-quarter of the cost of the police, a policy but recently inaugurated in criminal prosecutions and the maintenance of prisons, but destined to become one of the most powerful influences for the good in English local government.

The Commissioners only succeeded in sponsoring a *permissive* act, passed in 1839, which enabled a majority of the Justices in Quarter Sessions to raise and equip a paid police. Where this was done the Justices could appoint a Chief Constable, and delegate to him the power of appointment, direction, and discipline of the force. A county rate would be levied to provide funds. Adjacent counties might unite for police purposes. A division of a county might maintain a separate police force if the county did not. Boroughs might voluntarily amalgamate their forces with the county's.

This Act was a failure because it was permissive. It is true that the trained men were not yet available, and that only a few from the Metropolitan Force and the Royal Irish Constabulary were available

to train recruits. But the root cause was the country gentry's crass unwillingness to find the money. Where, however, the Act was put into force there was a clearly perceptible diminution in crime. And the criminals migrated into the unpoliced counties. Various expedients like the Act of 1842, setting up special sessions in which the Justices were to swear in parish constables, and permitting the employment of professional superintendent constables in each petty divisional area, were proved insufficient. On the other hand, a county like Essex which had adopted the Act of 1839 had remarkable results to show; for example, a reduction of the expense on vagrancy, and an estimated increase in the value of land in the county at one penny per acre. The Select Committee of 1853 showed that twenty-two counties had adopted the Act, seven counties in part, and the rest remained as in the old days, or with superintending constables. Among the twenty-two counties there was no uniformity or co-ordination. Hence the County and Borough Police Forces Act of 1856 placed the coping-stone on the new police system by transforming permission into command: and with its arrangements the police system as we know it, as a compulsory local government service under the general control of the Home Office, came into being.

The eighty years since then have been occupied with the discovery of all that still remained to be done progressively to fit the system to a new environment, the new mobility, and the novel and more delicate tasks of a more complicated civilization. But let it not be thought that the reform of 1856 was passed without a struggle. The Act introduced a new principle: that of effective central administrative control. The central authority acquired the power to appoint "inspectors up to the number of three to visit and inquire into the state and efficiency of the Police of the Counties *and the Boroughs*, and whether the provisions of the Acts under which such police are appointed are duly observed and carried into effect, and also into the state of the Police Stations, charge rooms, cells, or lock-ups or other premises occupied for the use of such police." The Secretary of State to whom the inspectors reported was to lay the reports before Parliament. These provisions provoked fierce resistance, county members asserting that with the loss of local independence England would certainly decline as a great Power, and sneering at the inspectors as spies, fit only for continental countries. But the system of inspectors, and the obligation of the chief constable to report to the Home Office, as and when required, were graciously accepted when the Government offered a grant-in-aid

of one-half the cost of pay and clothing in place of its original proposal of one-quarter. The grant was made dependent on the certificate of efficiency to be given by the Home Secretary. If this were withheld, an explanation by the Home Secretary with the rejoinder of the local police authority were to be laid before Parliament.

The County Councils Act of 1888 transferred the governing authority over the police in the administrative counties from Quarter Sessions to a Standing Joint Committee of equal numbers of Justices and County Councillors.

Now let us sketch the point to which the organization had arrived after 1888. In the City of London there was a special City Police under the government of the City Corporation, subject like the boroughs to Home Office control. The Metropolitan Police, excepting the City area, was under the direct control of the Home Office and the intermediate government of Scotland Yard. A Watch Committee, not exceeding one-third of the total number of councillors, had the complete local control of the force in the boroughs—that is to say, the county boroughs, and old boroughs with a population of over ten thousand, and newly created boroughs with over twenty thousand, unless these had merged their police voluntarily with the county. In the counties the elected Council had not the complete authority over the police possessed by the boroughs, but a Committee of Justices (who are Crown nominees, the Lord Chancellor acting in fact), and the representatives of the Council, is the authority, and further the appointment of the chief constable requires the approval of the Home Office. It may have seemed a dangerous step to put the police in full control of the elected councils in 1888, when the affairs of the county in general were for the first time taken away from the appointed Justices and transferred to an authority based on triennial election, but the arrangement is now indefensible since the county councils have in the last fifty years shown their efficiency and reliability over a very large range of administrative powers. In the boroughs the Watch Committee's power to appoint the chief constable is not subject to the approval of the Home Office; in the counties it is. In the boroughs the Watch Committee are actually the appointing and disciplinary authority over the police. In the counties the Standing Joint Committees have power to delegate the government to the chief constable. Many people, including the inspectors of constabulary, from time to time complain that the former method leads to division of authority, and therefore lack of discipline. Until the Police Act of 1919,

the Home Secretary's power over the boroughs was limited to the arguments of his inspectors and the strategic use of the grant-in-aid. In the counties the Act of 1839 had already given him the power to make rules regarding the government, pay, clothing, and equipment of the forces; and the power was reinforced by the inspectors and the grant-in-aid.

Our interest now lies in an examination of the problems arising out of the system thus created. Police efficiency depends on the appropriateness of the area of administration and arrangements for co-operation; the numbers of the forces; technical training and morale; and equipment.

It has been historically recognized that efficiency requires that every tract of land shall be covered by one eye and one force: I do not mean a *national* force, but a united force. The areas of local government have been delimited by considerations only very remotely concerned, if at all, with the technical nature of the particular service. The technical nature of police demands extension of the widest possible kind. Yet, by a queer inversion, the local authorities upon whom it was originally necessary to *force* a police system have come to regard their government as a privilege which ought not to be taken away or modified. The smaller boroughs and counties, especially, became jealous of their independence. Even large authorities were not sufficiently sensitive to the need for co-operation. Or they put forward the argument, which is of very great importance indeed, that in days of industrial strife *local* police are more peacefully effective than those from a distance. The Departmental Committee on the Police Service of 1919 and 1920 (the Desborough Committee), which made a most exhaustive inquiry, and set in train very important reforms, felt that there should be a minimum limit of 100,000 population for a separate police force in the boroughs. Obliged to compromise on this figure which they thought technically proper, they recommended that at least all non-county borough forces should be merged in the county. The technical considerations are important. Small forces involve disproportionate expense in buildings and administration. In a small area separate training and variety of experience are impossible. There are no important opportunities of promotion and transfer. It is possible to dispose the forces, concentrating here and relaxing there according to circumstances. The Watch Committee is too closely associated with its policemen, whose sense of duty may be devitalized by this neighbourhood. In matters of police, distance is the parent

impersonality, and impersonality is the parent of discipline and fearlessness in the execution of duties unpleasant to the councillors. Hence a larger area than was common was necessary. The Desborough Committee also recommended that new county boroughs should not acquire a separate police force unless the Home Office thought that there were exceptional grounds for thinking that definite administrative advantages would result. They proposed that more of such arrangements should be made as already existed, whereby county boroughs were policed by the county forces, and that small counties should be grouped together. And even were these proposals carried out, better arrangements for co-operation would still be necessary. For with the development of modern transport, the modern criminal is highly mobile: common records and permanent arrangements for continuous, rapid and frictionless co-operation are required.

Now the discussion of this theme necessarily took the Committee into depths greater than at first sight seemed necessary: the unification of disciplinary codes, of uniform, of pay, and of training. In default of a nationalized system, something must be done to secure likeness: a minimum standard of preparedness on the part of each separate authority. As regards actual co-operation in cases of disorder, the Police Act of 1890 permitted agreements between local authorities for the mutual loan of men. In spite of the urgent importance of such arrangements the system had failed because it involved a local authority in very many arrangements in order to be sure that it should get the men on the emergency, when it might be called upon itself to render aid to others; there were delays in obtaining the authority to send the men promised; the occasions had to be strictly limited, to limit the obligations of each force; and police authorities could not agree on the price they were to pay each other. The Desborough Committee proposed increased powers to the Home Office to prescribe standard terms and conditions. And the Police Act of 1919, and the rules and orders made under its authority, accomplished this.

Despite the progress made possible under the Act and the rules mentioned, the small areas of some of the forces still gave grounds for anxiety especially due to the increased rapidity of communications, and the rapid rise in indictable offences (the aftermath no doubt of the war, and of steady and hopeless unemployment). Nor were considerations of financial economy to be set aside. In 1932 the Select Committee on the Amalgamation of Police Forces returned to the

problem. This Committee convincingly asserted that co-operation, even after 1919, has not solved the problem of a large number of small and separate units. It emphasized the impossibility of departmental specialization (essential, given the enormous variety of duties the police are called upon to perform), except in a large force. The telephone and other technical apparatus make the manœuvring of large forces from a single centre quite easy and effective. The Home Office proposed that all forces in boroughs with populations under 75,000 should be merged, and the inspectors agreed. But the county boroughs defended their powers, while the non-county boroughs complained that they already contributed more to than they received from the county councils, and urged that a small authority has friendly relations with the public at large, and is more accessible to complaints than a large authority. The equilibrium of political forces resulted in the Committee proposing that the police should be merged only in places with less than 30,000 population. The present situation is that there are 26 boroughs with under 30,000, of which 11 have less than 20,000. There are 58 county forces, or 60, if the three forces united under the charge of the Chief Constable of Lincolnshire are counted separately, and 121 borough forces, of which 49 are non-county.

Now we said that even large areas of 100,000 were regarded in 1919 as not being sufficient to meet modern necessities without very far-reaching arrangements for uniformity in other respects. To give the force uniform the Police Act gave the Home Office the power to make regulations for all police forces in the country, "as to the government, mutual aid, pay, allowances, pensions, clothing, expenses, and conditions of service."

The statutory rules and orders based on these regulate in considerable detail the ranks and designations, the authorized strength and changes therein (the establishment is subject to the approval of the Secretary of State), conditions of appointment, even down to the candidates' inches; settle that *all* chief constables shall be subject to the approval of the Home Office; probation, dismissal, discipline (for which a code is supplied by the Home Office to be contained in the code of each force); disciplinary procedure, providing among other things for the defence of the officer against any charge made against him; the various punishments; promotion; hours of duty; leave of absence; personal records; scales of pay; allowances; exceptional rewards; the components, quantity, and quality of clothing, equipment,

and necessaries. Police authorities which provide boots must issue two pairs a year to each man.

That which is striking about these regulations is the enormous distance which separates the England of one hundred years ago, and even of fifty years ago, from the present day. Then, the question was whether there should be a police force at all, and now, the fine points are the only ones in question. Another important thing is that while the local authorities are left a considerable independence, and while, indeed, they make or mar the policing of the country, the central authority has contrived an underlying national minimum which serves efficiency in itself, and provides, further, the possibility of a common morale (by the exclusion of jealousy and the unification of discipline, punishment, and pay), and a co-ordination of effort reducing the former differences of various kinds (even to the uniform) which operated as marks of separation.

A co-ordinating factor of much importance is the Detective Department and Record Office of Scotland Yard. About the middle of the century, and in the midst of public anxiety about "espionage," the Metropolitan Force began to develop its detective service. In 1878 the Criminal Investigation Department was established, based on the French model, and special efforts were made to attract the right kind of talents. The ordinary police and the new branch were, however, kept in close alliance. To-day there are about one thousand detective officers at headquarters or in the divisions. Local authorities, when big enough, have detective forces, but Scotland Yard provides assistance when a chief constable or a specially difficult case asks for it. The Criminal Record Office at Scotland Yard collects the finger-prints of all persons convicted and sentenced in Great Britain to imprisonment for serious criminal offences. Other records are combined with these. Thus, when and wherever an arrest is made, suspicion can be verified in a very short time after application to the Yard. At Wakefield there is for the northern half of England a "clearing-house" of crime, similar to the one at the Yard, which is available for the whole country. Scotland Yard publishes and distributes daily throughout the country the *Police Gazette*, and there are other periodical supplements, all containing particulars of "wanted" people, arrests, warnings, etc.

In outlining the power of the Secretary of State to make rules for the government of the police we have already made the reader aware of the power to maintain the proper number of police. The number

per constable is by no means uniform throughout the country; and there are sound views current that the numbers are insufficient having regard to the new duties. But the numbers invariably involve the question of finance, and the rates are causing a detrimental restriction of numbers.

Since the war the police forces have been augmented by police-women. They are recognized in the Police Act of 1921; the Bridgeman Committee of 1924 recommended that their employment and duties should be left to the discretion of the local authorities. The Home Office Regulations of 1932 assign to them patrol duty, detective work, and especially duties in connection with women and children. Outside the Metropolitan Force there are over 100 policewomen, and for custodial duties, 116 police matrons.

It is clear that the policeman of to-day must be not only a good physical specimen, but also possess considerable intelligence and technical training. He must do his duty to protect the public, and yet his actions must be neither impolitic nor illegal.

"The position of a constable in a police force differs greatly from that of the private soldier or the artisan. A constable is, as a general rule, placed alone, to perform his duty on one or more beats or patrols. It is expected that, in general, he should not call any other constable to his assistance, because that involves a disturbance of the arrangements made for the safety of the whole area. It is presumed that if intervention is necessary he can deal with the emergency adequately by his own unaided action, and if he arrests a prisoner he is expected to take him alone to the Police Station. However difficult and novel may be the circumstances which confront him in the course of his ordinary duties, he has, unless the matter brooks delay, to decide instantly, and on his own responsibility, whether they call or not for his interference. It follows that a great deal of the most difficult work of the Force is left to the initiative and capacity of the humblest unit in each division." (*Royal Commission upon the Duties of the Metropolitan Police, 1906-8, Cd. 4156 of 1908, p. 57.*)

Yet in London there was no special training for the police until 1907. There might be a few weeks' preparation in the rudiments of the job and drilling, but for the rest the policeman had to ask questions of the higher ranks, or make out what he could by reference to manuals

such as *Vincent's Police Code* or *Duty Hints*. The borough and county forces were helped a little, but not systematically in classes, by the experienced members of the Metropolitan and Irish police forces, who often became chief constables. In 1907 Sir Edward Henry established Peel House, a residential school accommodating some three hundred men. A ten weeks' course of instruction is given in the elements of the profession. Successfully past this stage, the probationer still receives lessons for some hours a week from an inspector. After some months there is another examination at Peel House. It is said that not more than five out of a hundred candidates who originally apply pass through the various stages to become permanent constables. The education is not only intellectual and physical, but in the field of morale such as the relation of the policeman to the public, and the honour of the police force. Such a training, though perhaps not on such an elaborate or efficient basis, came sporadically into existence in the large county and borough forces, and some, like Birmingham (see *Police Journal*, 1929), train the recruits of other forces. The smaller boroughs and most of the counties are deficient in this matter. When proposals for a national training scheme have been mooted (and this, indeed, seems nowadays to be the only sensible arrangement), the opponents have countered with the argument that the policeman must know local conditions and byelaws, and that the chief constables ought to train their own men. The Desborough Committee proposed that there should be definite training in every police force for entrants for two months, and that while on duty in the probationary period, further definite instruction should be given, and that the Home Office should issue an "Instruction Book," besides indicating other useful manuals. Further, in regard to special detective officers (of which, by the way, in 1919, eighteen of the county forces possessed none at all, while others had only inadequate numbers), there should be a special school. The Home Office has promoted what is already done, and has attempted to do more, but the smaller forces are still deficient, and this has led to the proposal for a central staff college.

The development of the idea of preventive police to replace that of the "copper" and "thief-taker" clearly necessitates a much more deliberate attention to training. In 1930 there was submitted to the Police Council, of which more hereafter, a scheme for the creation of a police college for the whole of the country, with permission for students from the Commonwealth to enter also. The idea was to provide a full course for the higher training of officers, for their work

as instructors, detectives, staff officers; to create facilities for specialized instruction, especially for the higher officers who would take a part-time course; and to institute a centre for research.

"The college would provide, for instance, higher training for posts such as instructor, detective, chief clerk, and other administrative positions, and afford opportunities such as do not now exist for developing and bringing into more extended use, in many branches of police work, scientific aids and modern facilities in the way of communications, transport, etc., and for studying and profiting by the experience gained in police work of various kinds, not only in this country but in other countries where comparable problems are faced by the police."

This goes beyond the purpose and scope of an elementary training school; it would be a place of advanced studies and intensive instruction in special directions. It would include travel study in England and abroad, and the information obtained would be made available for the other students. The course would normally take about two years. Candidates for the school would be chosen by a central selection board, including the principal of the college, the inspectors of constabulary, and a member from outside the police service. The primary qualification for entry would be from those who had passed the usual examination for promotion from constable to sergeant. The funds would be found by contributions from the local authorities. So far, however, the college has not come into existence.

Another question raised, however, is whether there should be entrance into the higher ranks of the forces, from outside the service, after special training. The first step in these matters has been taken by the Metropolitan Force, under the Commissionership of Lord Trenchard. In his Annual Report for the year 1932 the Commissioner says that the number of candidates accepted who had not carried their education beyond the elementary stage constituted between 80 and 90 per cent of the total. The secondary school stage was not being sufficiently tapped. To meet the necessity for more intelligence and youthfulness in the higher ranks (hitherto so many years had to be spent in each rank of the service, thus bringing to important responsibility men past their prime), a police college would be set up. This was accomplished by the Metropolitan Police Act of 1933. Men selected from the ranks of the force, and others from the secondary schools, public schools, and universities, receive tuition at the college

for two years, including work as a uniformed constable. After this there is competitive selection, by written examination or otherwise, for admission into, as probationers, the inspector grade (constable, sergeant, station sergeant, inspector, and upwards). In selecting the candidates "the other attributes of a good officer will count as well as educational qualifications." There is also still provision for promotion from the rank of constable. To this reform, which has strong arguments to commend it, political objection was urged that the social class of those entering by examination would cause a cleavage between the ranks and the officers, and what is as important, between the working classes and the force. The fulfilment of this prediction would be a very serious matter for the country, for hitherto Britain has been anxious to preserve the identity between police and public; and indeed, serious discontent has from time to time broken out, as during the Savidge case, when it has seemed that the police have acted arbitrarily. And in an age of political conflict it would be dangerous if the neutrality of the police were suspected. Their duties at political meetings, and their part in proceedings for seditious offences, put a heavy strain on their morale, no less than on their intellectual equipment.

In the early days the equipment of the police was as rudimentary as the civilization they served. In the late eighteenth century they progressed to lanterns, horses, and truncheons. To-day the well-equipped force is supplied with crime-detecting instruments, the photographs and records of suspects, finger-print apparatus, access to chemical analyses, and so on. Besides this there are cycles, motor cycles, and small cars. The police on their beat are kept in touch with the station by means of telephone boxes strategically placed, with arrangements for calls at given intervals, or by the flashing of light signals. More recently successful experiments have been made with the wireless telegraphing of a signal which brings the policemen to the telephone for orders from or to report to headquarters. Wireless telephonic communication is being experimented with; and outlying stations can receive messages from the central station directly on a typed sheet.

Now in all this progress the Inspectors of Constabulary have been of extraordinary assistance. Indeed, it may fairly be said that without their constant vigilance, their advice based on the best that the Home Office learns from other countries, and that they themselves learn from the most advanced local authorities, and without their encouragement, their routine, and their unannounced inspections, their ultimate

power to compel improvement on the pain of withdrawing the certificate of efficiency, there would have been nothing like the magnificent achievement witnessed in the last fifty years. Their work of stimulation has not been easy. The annual reports of the Inspectors of Constabulary since 1857 vouch for this. Of course, the progressive cities, throbbing with public spirit, and not rate-shy, hardly need the stimulation of the central authority through its Inspectors. But there are others which, while not sunk in a state of inveterate torpidity, were yet slack enough to endanger the hard work and the expenditure of money of their neighbours and the rest of England. And this is the English genius, to have discovered the way to provide a police executing such fundamental duties for a crowded and explosive civilization through the medium of local authorities which are close to the people in terms of area and human contact, and, at the same time, through the Home Office, and especially the personal link of Inspectors, to have produced a minimum standard of achievement without the use of crushing force. It is a heritage, both in administration and moral outlook, deserving the highest praise; and that praise is best shown in the incessant attempt to improve it in its own inherent spirit. It seems to me that in view of the large amount of work now falling on the Inspectors, both in terms of the number of forces and the need for a detailed review of all the factors of police efficiency, there should be more than two Inspectors. There should be three, probably four.

One of the most important factors of a good public service from the standpoint of morale is the removal of any sense of grievance, whether justified or not, by speedy and frank ventilation, without the suspicion that he who complains is betraying the discipline and ideals of the service. We must not forget that there is a close connection between the conditions of work and the corruptibility of the police. The English police are probably the most honest force in the world, but, as we all know, they are human. Pay begins at £3 10s. per week, and after ten years' service is £4 10s.; and the men are in contact with affairs that can yield bribes. Until 1919 there was no such arrangement, and staff discussions were always surrounded with the odour of illegitimacy. The police strike of 1919 was due to low wages and the non-existence of an official means of representation. The Desborough Committee recommended the establishment of such a representative council. The Police Act of 1919 provided for the establishment of a Police Federation for the purpose of enabling the

members of the police forces of England and Wales "to consider and bring to the notice of the police authorities and the Home Office all the matters affecting their welfare and efficiency, other than questions of discipline and promotion affecting individuals." This federation and its branches are absolutely forbidden any association with any body or person outside the service. Nor can any constable be a member of a Trade Union. All members of the forces below the rank of superintendent are members of the federation, and there are branches in each force. There is an annual Central Conference of delegates; and this elects a Central Committee of six, representative of the Borough, County, Metropolitan, and City of London forces. The draft of the regulations which the Home Secretary may make under the Police Act for the government, etc., of the police forces must be submitted to a council consisting of the Joint Central Committee thus elected, or a deputation therefrom, and representatives of the Chief Officers of Police and Police Authorities selected for the purpose by the Home Secretary, after consulting the local government associations. The Home Office has been given sound help by this arrangement. Further, the Home Secretary may call a police council to consider any general questions affecting the police. He acts as chairman and it contains such other members as he may appoint. Such was the police council consulted on the proposal of a police college.

We have drawn attention to the existence of a grant-in-aid of police expenditure as a factor in central control. The relationship of central and local finance in the police service is as follows. The local authorities raise rates under the various Acts compelling the establishment of a force. Until 1919 the central authority provided, through the Assigned Revenues, half their cost of pay and clothing. By the Act of 1919 the grant was increased by a Treasury contribution to half the *total* cost of the police. The Local Government Act of 1929 left the amount and condition of the police grant untouched, excepting that the channel of the Assigned Revenues was abolished.

In most aspects of public safety, save crime, the police are rather the reporting agents of the local authority, than the actual exercisers of powers lodged in them. The other main services of the local authorities for public safety concern fire prevention and fire fighting,

the stability of buildings, traffic control, and certain miscellaneous measures.

One hundred years ago there was a void, save for rare local regulations, and some ancient provisions for London. The law relating to nuisances could serve to some extent if local officials, the police, and the justices cared to take action, or if common informers cared to inform. But until the nineteenth century the village civilization of England made no efforts to secure a regular administration of safety services: they were hardly necessary. The new intensity of the dangers was the product of crowded towns and the rapacity of the citizens, especially building speculators. The tremendous increase of building in the rapidly expanding towns, of dwelling-houses, factories, and warehouses went on without any care for the safety of the tenants or public; interest and rent were the only concerns. The reports on the health of towns and the Report of the Select Committee on Building Regulation of 1842 tell the story: flimsy dwellings, constructed of inflammable material, built back-to-back without either space or special thickness of separating wall to prevent the spread of fire; no regulations as to the construction of flues, the distance of fireplaces and furnaces from timber; nothing to separate off the workshops using fire or explosive or combustible material from the rest of the building. By 1835 every borough over eleven thousand inhabitants had some form of Improvement Commissioners, who were supposed to attend to street-cleaning, paving, lighting, and building. The Lighting and Watching Act of 1833 permitted parishes to provide and keep fire-engines, with pipes and other utensils proper for the same. In 1867 the Select Committee for the Protection of Life and Property against Fires reported that some improvement had been effected by the Town Improvement Clauses Act of 1847, which gave permission to local authorities to adopt powers relating to building party walls, the supply and the maintenance of fire-plugs. Other Acts had worked in the same direction. The supply of water for domestic purposes, and at a pressure sufficient to play on fires, was required by the Waterworks Clauses Acts, 1847. So also in the Local Government Act of 1858, permitting local boards to make byelaws with respect to the structure of walls of new buildings to secure stability and prevent fires; the Gunpowder Act, 1860; the Petroleum Act, 1862; the Carriage and Deposit of Dangerous Goods, 1866. And there were also many local Acts made by more progressive authorities. Liverpool, for example, since 1843 had a particularly well-developed system for

buildings regulation, and a fire brigade and engines. In 1862 the Metropolitan Fire Brigade had been established in London to be governed by the Metropolitan Board of Works. The Sanitary Act of 1867 extended the power under the Lighting and Watching Act of 1833 as to the provision that might be made; and under the Local Government Act of 1894 inter-parochial agreements were permitted and facilitated. The Town Police Clauses Act of 1847 permitted the boroughs to provide the organization and implements and the men to cope with fires.

But in 1867, of eighty-six towns over twenty thousand who deigned to answer the inquiry of the Commissioners, none had regulations regarding the constructions of buildings, fifty-one had some regulations regarding fire-escapes; all had some arrangements whereby "it was understood" that "in case of need" water would be available for the fighting of fires; seventy-eight had fire brigades of diverse quality, but not always under the management of the local authorities, and often under that of insurance companies (some volunteer and unpaid), or the police acted as firemen. The Commissioners thought that all towns over twenty thousand should have proper arrangements under the authority of the local councils.

To-day the situation is very different. In the first place, by the combined result of the Public Health and Local Government Acts before and after that of 1875, and the byelaws based upon them and sanctioned by the Ministry of Health and various buildings Acts like the London Building Act, or local Acts, the local authorities have ample powers to ensure the stability of the structure, its non-inflammability, and the prevention of dangerous protuberances from buildings. The Ministry of Health has a series of model byelaws embodying the law and the technical skill of its highly skilled experts, and the local authorities have fairly uniform regulations which are based on these, or closely resemble them. The local authorities employ surveyors (urban authorities are *obliged* by law, 1875, to appoint surveyors) to examine plans, inspect sites, and inspect buildings, to secure compliance with the law and the regulations. All this is supplemented by the provisions of the Factory and Workshop Act of 1901, requiring that factories and workshops employing more than forty persons must be provided with a certificate from the local council that they have adequate means of escape from fire, and the council may make byelaws for this purpose and for smaller factories and workshops also. This latter provision has only been put into practice slowly and with difficulty.

These places are being gradually ringed around with a series of rules approaching, if not entirely forming, a complete safeguard of person and property.

Since the Explosive Act of 1875 amended by the Act of 1923, which was preceded by the inquiry of the Select Committee in that year, there are strict rules regarding the storage, manufacture, and sale of all kinds of explosives, and the county councils license the factories or warehouses, and so on, acting under the direction of the Home Office, and being subject to inspection by its inspectors of explosives. By the Petroleum (Consolidation) Act, 1928, petroleum spirit with a flash-point lower than 73° F. may only be stored in quantities over three gallons by licence of the borough or district council, and these may fix the conditions as to the storehouse and other conditions of safety. The council's officers have the right to take samples and make tests. This is the result of much attention to the matter going back to the middle of last century. Keepers or storers of celluloid or cinematograph film above a certain quantity must supply the council with all particulars and provide the means of escape from the place to the council's satisfaction.

When the citizen goes to a place of amusement the local authority has already arranged for his safety, for by the Acts relating to London Government (the Local Government Act of 1888, and the Metropolis Management and Building Acts Amendment Act of 1878), and the Local Government Act of 1888 for elsewhere, the London County Council and the county councils (who may delegate to the district councils) licence theatres and places of entertainment, and they either have specific power to attach conditions of safety or byelaw power to do so arising out of their general power to attach conditions. Thus there are exits, fire-escapes, fire-extinguishers, fire-proof curtains, alarms, and so on. Cinemas come under the Act of 1909 and the regulations made by the Home Office for their execution. How necessary these regulations are is to be seen from the terrible accidents which occur in spite of them, or because they have not been properly applied owing to incapable or unconscientious local inspectors or councillors. When we remember the formidable drive of the profit-making motive, and the extent to which we are all liable to be negligent of our duties, ignorant of risks, and inconsiderate of other people's safety, we may begin to appreciate what the local governing authorities do to remedy our own blindness. "After all, houses are not built simply in order that we may escape from fire":

that is apt to be the attitude of mind of those who are not sharply brought up to a sense of duty by the incessant inquisitiveness of the local authority's officers.

The maintenance of fire brigades, stations, and engines is not compulsory but permissive, either by the general statutes we have mentioned, or local Acts giving extra power. Hence the provision made varies very much. It is only some fifty years ago, in fact, that even important local authorities took the fire brigades out of the hands of the insurance companies, who until then had maintained them. Even in London there was no public fire brigade until 1865, when the London Fire Brigade maintained by the insurance companies was transferred to the Metropolitan Board of Works. And this passed to the London County Council. At the present moment the boroughs are much divided between the maintenance of a fire brigade separate from the police, such as in the areas within the Metropolitan Police district, and many other towns including Birmingham, and the practice of other boroughs like Liverpool, Sheffield, Hull, and Leeds, which have a fire brigade forming part of the police force, an arrangement authorized by the Police Act of 1893. There is great diversity according to whether the brigade is full-time professional (to be found, of course, only in the large towns), part-time brigades who are paid a retaining fee and fees for work actually done, and volunteer brigades. In spite of arrangements for co-operation and for motor transport, there are some serious blanks in the chain of fire-fighting, and mainly of course in the rural areas. Here, although it is not economical to maintain a full-time staff, it is worth making regular arrangements with the authorities maintaining brigades in the surrounding districts. The question of adequate water supplies in the rural areas is raised by this problem.

The highway authorities grant licences for driving motor vehicles, and as from January 1935 will impose a test upon the applicant for a licence. The police watch for the infringement of the rate of permissible speed laid down in the Road Traffic Act of 1930 and the offence of reckless or dangerous driving and driving when under the influence of drink or drugs. They regulate the traffic for convenience and safety, and the local authority provides the necessary signs and marks to aid the work of regulation and the finding of direction. The police challenge the driver for his licence, for his registration, for his third-party insurance. Public service vehicles must be licensed for the safety of the vehicles in one of the thirteen traffic areas, each governed by a

commission composed of representatives of the included local authorities and commissioners appointed by the Ministry of Transport. Under Acts giving them the power to run tramways and buses, the local authorities have the power to prescribe stopping-places, and the stopping-places of other vehicles for convenience and safety. Hackney carriages require a licence from the local authority.

Then there are the powers of the Justices for the regulation of public-houses and the sale of alcoholic liquor, helping to save us from the friendly confidences of drunkards. Under the Firearms Act of 1920 chief constables may grant a certificate to carry firearms, and there is no doubt that the strict exercise of this power before and since 1920 has preserved England from the terrible experience of America. The Pharmacy and Poisons Act of 1933 gives the counties and county boroughs and the metropolitan boroughs powers of supervision over sellers of poisons under Part II of the Act and the Food and Drugs Acts. Through their inspectors and public analysts the local authorities safeguard the purity of foods and drugs, under the Act of 1928, which codified the various Foods and Drugs Acts. Their inspectors of weights and measures, certificated by the Board of Trade, safeguard the citizen from the cheat.

What is striking is the range and the complexity, the forethought and the care, the technical skill, the science, with which the citizen is surrounded to save him from himself and the lack of knowledge and self-control of his fellow citizens. And the extraordinary thing is the responsiveness of the local authorities to the demands of a changing environment and developing technique. They have done magnificent work without crushing liberty; they have it in them to do even more.

## CHAPTER XIV

## THE PUBLIC UTILITY SERVICES

*by*

WILLIAM A. ROBSON

## I

THE term public utility is a somewhat vague expression. It is primarily used to designate undertakings which are supplying such services as gas, water, electricity, and street transport within a local government area under the terms of a permit or franchise. It is in this sense that the term will be employed here.\*

For many years it was customary to refer to the gas, water, and electricity undertakings owned by local authorities as municipal trading concerns. It is only recently that the term public utility has come to be used. The change is an improvement, for there is a clear distinction between the modern utility services and the genuine trading activities of local authorities in such commodities as wood, coal, and corn, which were carried on in England during the sixteenth century† and later times.

The expression "municipal trade" implied that the fundamental difference between a municipal gas or water undertaking and the other services carried on by a local authority is financial. Thus gas is paid for by the particular consumer to whom it is supplied, and the undertaking which provides it is supposed to be self-supporting or profit-making, whereas public health or education services are paid for out of local taxation levied on the whole body of ratepayers. Hence the

\* The phrase is sometimes given a much wider meaning. In the first place, services of a national character such as broadcasting, telephones, telegraphs, mails, and railways can be and often are treated as public utilities for certain purposes. In the second place, there is no essential reason why municipal functions such as public health or housing should not be regarded as public utilities. Mr. Keen, in his book *The Law Relating to Public Service Undertakings* (1925) includes water, gas, electricity, land-drainage and irrigation, markets and fairs, and hydraulic power supply. Professor Dimock, in a recent work entitled *British Public Utilities and National Development*, deals cursorily with water, gas, and the other municipal utilities and devotes himself mainly to railways, telephones and telegraphs, the post office, electricity, and broadcasting. These two examples show the wide diversity of opinion which exists as to the meaning of the term public utilities.

† J. H. Thomas: *Town Government in the Sixteenth Century*.

former is "sold" to a voluntary purchaser while the latter is usually provided "free" on a compulsory basis. This difference cannot be regarded as of ultimate validity in distinguishing the utility functions from the other services. They would remain distinct even though provided free of charge and financed through the rates.

A more accurate basis of demarcation would suggest that the public utility concept involves the idea of an essential service requiring either public ownership or public regulation in the interests of the consumers and of the general public. It also implies the existence of privilege or monopoly rights. The question of what is an essential service is, however, almost entirely a subjective matter. Each of the municipal utilities was regarded as a luxury for a considerable period of its history. The luxuries of one age become the necessities of the next.

It would scarcely be possible to overestimate the importance of the developments which have taken place in the field of public utilities during the century that has elapsed since the Municipal Corporations Act, 1835. The services of gas, water, electricity, and transport play a large part in the domestic and economic life of the community. They have transformed the social habits of the people, introducing new and improved standards of comfort, cleanliness, health, and mobility.

The utilities also possess a political significance which must not be overlooked. From the days when the epithet "gas and water socialism" was used as a term of abuse, public utilities have formed a principal topic of argumentation between those who were opposed to collective ownership and those who were in favour of it. The centre of gravity in this discussion has shifted in recent years to utility projects of a national or regional character, such as broadcasting, London passenger transport, road and rail unification, and so forth; but contemporary plans of this kind have either developed directly out of local services, as in the case of electricity supply, or been greatly influenced by the successful operation of public utilities in the municipalities. Future historians may one day regard the developments of 1835-1935 in this field as the forerunners of national and international services more far-reaching and ambitious than any which have yet been conceived.

## II

Before proceeding to a narrative of the main lines on which the various public utilities evolved, something may be said concerning the general framework of control.

The outstanding fact in the history of utilities in Great Britain is the dominant part played by Parliament in their establishment. There were, it is true, at all times during the century a number of "unauthorized" undertakings; but the great bulk rest on a statutory basis, and were created directly or indirectly by Parliament. The sovereign power of Parliament has therefore been of immense importance in determining the main trends of evolution. It has imposed a certain measure of consistency and uniformity on the localities. It has enabled a national policy to be followed unimpeded by constitutional restrictions of the kind which have proved so costly and burdensome in the United States. It has prevented the Courts from becoming arbiters of highly controversial political and economic disputes.

Control by the national legislature is, then, the fundamental characteristic of our system. But legislation can take many forms and may be delegated in various ways. Elsewhere in this volume Mr. Willis discusses in detail the relations between Parliament and the local authorities during the century under review. Here we shall do no more than refer to the main categories of legislative instruments which have moulded the public utility services.

First in point of time comes the Private Bill or Local Act. The early gas and water companies needed statutory powers to enable them to open up the public highway for the purpose of laying, repairing, or altering the mains. For this object they promoted Private Bills. The committee procedure afforded an excellent opportunity for interested parties to be heard and for adverse interests to state their case effectively, although the habits and fees of the Parliamentary bar made the process an expensive one. Hence Private Bill legislation has been of dominant importance in connection with public utilities. It was, indeed, the only method of obtaining statutory powers prior to 1870, when the Gas and Water Works Facilities Act was passed. As Mr. Willis shows in his essay, the Private Bill gradually gave way to the Provisional Order and Special Order methods, which delegated the legislative power to one or other of the great Departments of State, leaving Parliament itself with little more than a contingent control over the ratifying stages.

In the middle of last century there emerged, as a direct consequence of the Private Bill process, the well-known series of Clauses Acts, by means of which large groups of "common form" provisions could be embodied in a Private Bill by adding a few words to that

effect. Eight of the nine Clauses Consolidation Acts passed between 1845 and 1847 relate to public utilities.

In addition to these special forms of Parliamentary control there has also been a considerable body of general legislation applicable to public utilities. Statutes of this kind include the Gas and Water Facilities Acts, 1870 and 1873, certain sections of the Public Health Act, 1875, the Public Health (Water) Act, 1878, the Gas Regulation Act, 1920, the Gas Undertakings Act, 1929, the Electric Lighting Act, 1888, the Electric (Supply) Acts, 1919 and 1926, and several others.

These are the types of legislative instruments which have been employed to bring into existence the "authorized undertakings" and to map out the general lines of the course they are to follow. The body entrusted with the power to carry on the utility service has been in practically every case either a local authority or a joint stock company trading for profit. In a few isolated cases a "mixed" undertaking has been set up, such as the Manchester Ship Canal, the Southampton Harbour Board, and the public transport system of Sheffield. But in general the mixed enterprise, in which municipal ownership and private enterprise are combined, has not made headway in this country.

In addition to legislative control, there has been a certain amount of administrative supervision by the central departments in Whitehall. The nature of this will appear in what follows. Judicial determination of disputes and the enforcement of statutory provisions by litigious methods have been going on continuously throughout the century; and in the aggregate the decided cases are voluminous. But broadly speaking, the courts of law have had to deal only with the marginal cases. Judicial decisions have scarcely affected the basic principles concerning monopoly, price control, restriction of profits, and so forth.

### III

From this sketch of the general framework of regulation we may turn to a consideration of the chief stages in the development of the various utilities between 1835 and 1935.

In order to deal with the subject at reasonable length it will be necessary to confine attention to the four main services of water, gas, transport, and electricity. Special undertakings of an exceptional character such as the Port of London Authority, the Manchester Ship Canal, the Bradford conditioning house, the municipal telephone exchange at Hull, the Birmingham municipal savings bank, although

full of interest and deserving close study in any full-length account of the subject, are nevertheless so far removed from the general run of municipal utilities as to be outside the purposes of this essay. Again, such undertakings as markets and fairs, baths and wash-houses, burial grounds, harbours, piers, docks and quays, undoubtedly partake in some degree of the nature of public utilities, and are usually included in official returns dealing with "Reproductive Undertakings." But for various reasons it is difficult to assimilate them to the four main groups mentioned above, and they will in consequence be excluded. In substance the history of gas, water, electricity, and street transport constitutes the history of public utilities during the past century.

I shall start with the story of gas, for although water supply was a municipal service from a much earlier date, the important questions were first raised in connection with gas.

The public use of gas as an illuminant began in 1806, when Samuel Clegg lighted a lamp in King Street, Manchester. The following year it was used to light Pall Mall. In 1810 the chartered Gas Light and Coke Company was formed by statute, and thereafter a steady advance was made in the use of gas for lighting purposes. During the next few years numerous companies obtained Parliamentary powers to supply particular towns, such as Liverpool, Brighton, Nottingham, and Sheffield (all in 1818), Birmingham and Bristol (1819), Leicester (1821), Warrington (1822). All the early undertakings were promoted by private *entrepreneurs* in search of profitable opportunities for the investment of capital—with one notable exception.

That exception was Manchester. The government of the city was carried on chiefly by a body of Police Commissioners, set up in 1765, remarkable alike for their foresight and their ability. In 1817 these Commissioners established a public gasworks, after having obtained the sanction of a meeting of ratepayers. The undertaking was carried on in this manner until 1823, when a competitor entered the field in the shape of the Manchester Imperial Joint Stock Oil Gas Company. The Police Commissioners successfully opposed the Company's Bill, and promoted one of their own with a vigorous plea for monopoly. Parliament granted this in 1824 in a statute which affords "the first legislative recognition of the principle that gas establishments might be created by public funds and be conducted by public bodies for the public benefit."\*

\* S. and B. Webb, *English Local Government: Statutory Authorities for Special Purposes*, p. 264.

The achievement of the Manchester Commissioners is all the more remarkable in view of the fact that for nearly half a century it was generally believed that the production and distribution of gas was properly a matter for private enterprise. Moreover, the principle that a gas undertaking should possess a territorial monopoly was entirely opposed to contemporary ideas. A few of the earliest companies had the field to themselves, but there was no monopoly, express or implied, conferred by the Private Acts. Parliament at no time even purported to grant an exclusive right of supply. Indeed, in a number of towns competing undertakers were expressly authorized by statute.

The position, then, at the passing of the Municipal Corporations Act, 1835, was that the supply of gas was in the hands of private statutory companies, except in Manchester, Keighley, Beverley, and one or two exceptional towns where public authorities had undertaken the supply. In most places the local authorities of the day were quite incapable of organizing a utility of this kind; and the notion that they should even attempt to do so was utterly opposed to the spirit of the times. For the first half-century of its history, gas was regarded as a speculative enterprise properly left to private enterprise. There was in most cases no limit imposed on the profits which might be made, and little or no regulation as to quality or quantity of the supply.

Parliament and the public looked to competition to ensure an efficient and economical provision; and rival undertakings were deliberately fostered. In Glasgow, for example, the company incorporated in 1817 was unsatisfactory, and another was consequently established by statute in 1843. As public dissatisfaction continued the remedy proposed in 1859 was to set up a third competing company. The local authority then intervened and offered to acquire the existing concerns. This was rejected, and the municipal corporation then proposed to set up its own works in competition. By this time, however, opinion had changed. Parliament refused to sanction further competition, and urged the companies to sell to the local authority, which they did in 1869.\* In Sheffield a company had been formed in 1818 which aroused much opposition by its high monopolistic charges. This led to a rival company being established in 1837. Competing supplies were similarly brought into existence in Birmingham, Brighton, Wolverhampton, Liverpool, Edinburgh, Tynemouth,

\* *Balfour Committee on Industry and Trade: Further Factors in Industrial Efficiency*, p. 365 et seq.

Bristol, and London. In some towns, however, such as Birkenhead, Northampton, Southampton, and Wakefield, there was only a single concern supplying gas to the citizens.

In London the principle of competition held sovereign sway. There were already two companies competing on the south side of the Thames when the South Metropolitan Gas Company was formed in 1833 (incorporated in 1842). In some districts all three companies laid their mains in the same streets.\* At one time there were fourteen separate companies operating in the Metropolitan area.

The competition so zealously fanned by Parliament and public opinion proved highly unsatisfactory during the thirty or forty years in which it prevailed. In some places the flames of rivalry leapt so high that they threatened to destroy the producers; in others they were damped down or extinguished to a point of complete ineffectiveness by means of amalgamations or mutual agreements between the competing gas companies.† In London there was a fierce price-cutting struggle in some districts where competition reigned, accompanied by exorbitant charges in other districts where only one supply was available.

Where genuine competition existed, it undoubtedly had the effect of reducing charges. For this very reason it was seldom permitted to continue by the gas companies. Price-fixing agreements, the carving up of territory into spheres of influence, these and many other familiar devices were employed to defeat the policy of competition.

In the 'forties the ineffectiveness of competition was recognized by the fixing of maximum prices for gas in the Private Bills, a course which would never have been adopted by the Parliaments of that era except as a last unavoidable necessity. All the Bills introduced in 1847 contained restrictions on price; and from then onwards the practice became customary.

By the time the half century was reached the defects of competition, or, rather, the difficulty or impossibility of maintaining competition, had become apparent. Where it did exist, price reduction might accrue to the consumer, but grave social disadvantages would nevertheless result to the citizen. The duplication or triplication of gas works, with the noxious fumes, unsightliness, and dangers attendant thereon, the

\* *Balfour Committee on Industry and Trade: Further Factors in Industrial Efficiency*, p. 306.

† *B.P.P. Reports from Commissioners*, 1847 (124-13, pp. iii-iv), vol. xx, pp. 33-4.

constant opening up of the highways for work on the mains, the serious risk from escaping gas—these and many other social evils and inconveniences flowing from competition obturated themselves on the public attention. Dissatisfaction with such matters as the poor quality of gas, low pressure, neglect of apparatus, the inaccuracy of meters, gave the consumer cause for grievance.

The tide of public opinion had definitely turned against competition by 1850, when the possibilities of providing gas to the mass of the people was beginning to be perceived—by 1865 it had come to be regarded as almost a necessity of life for lighting purposes. During the decade 1840–50 the belief in competition was virtually abandoned, and the policy of unification or monopoly, accompanied by effective regulation or municipal ownership, was consciously adopted in its place.

An important part in the rejection of competition as a panacea for all evils was played by the surveying officers appointed by H.M. Commissioners of Woods and Forests to examine Gas Bills coming before the Houses of Parliament. “The existence in the same town of two rival Gas Companies,” they reported in 1847–48, “does not appear to us at all calculated to benefit the consumers. On the contrary, we think that the large amount of capital employed in founding two establishments, where one would suffice, must inevitably serve in the end to raise the general price of gas.”\* The surveying officers were, in fact, almost unanimously in favour either of municipalization, or, at the very least, of granting monopoly with regulation. In the case of the undertaking at Wolverhampton, for example, they reported against competition and in favour of amalgamation.† “The impolicy of trusting to competition to obtain better or cheaper supplies of gas or water,” they declared in their report on the Southampton Company’s Bill, “is now, we apprehend, a fixed opinion. When two sets of gas or water-pipes are laid in one street, it is evident that double the capital is employed which is necessary to pipe that street, and that, consequently, the gas or water is greatly more costly than it should be. Experience also has abundantly shown that competition between companies is never long-lived. Either one of the competitors is ruined, and the survivor makes the consumer pay for the cost of the contest,

\* Observations, or General Report, by the Surveying Officers on the Existing System of Lighting Towns with Gas. *B.P.P. Reports from Commissioners*, 1847 (124–84, p. iv), vol. xxii, p. 148.

† *B.P.P. Reports from Commissioners*, 1847 (124–35, p. ii), vol. xxii, p. 88.

or the two coalesce, and levy rates to pay a dividend upon the double capital.”\*

Parliament accepted without demur the advice proffered by the expert surveying officers. The Select Committees appointed to consider the Bills promoted in 1843 and 1847 by the Guardian Gas Company of Liverpool recommended the amalgamation of the two companies then supplying the city, and proposed to refuse the Guardian Company the powers it was seeking. An amalgamation Bill was accordingly promoted by the Liverpool companies in 1848, and duly passed. In 1850 the Commons Committee sitting on the Sheffield Company’s Bill stated there ought to be only one company supplying gas in that city, and urged the rival concerns to amalgamate. By 1850 competition had virtually ceased in the provincial towns, although no legal monopoly was at any time either granted or promised.

In London competition continued until 1860, when a monopoly was in practice established. In the early ’fifties the four competing companies decided to divide up the area south of the Thames into non-competitive districts, and sought Parliamentary sanction for their scheme. The Bill was defeated, but the Special Committee reported in 1859 that competition in the Metropolis was inadvisable, and recommended a definite allocation of areas for the various concerns, and regulation of the companies in regard to prices, profits, and the illuminating power of gas. Legislation was passed to effect this in 1860.†

The situation in London in regard both to gas and to other public utilities was greatly influenced by the absence of an efficient organ of municipal administration prior to the establishment of the London County Council in 1888. The failure to provide the Metropolis with an adequate system of municipal government had the result of depriving the citizens of London of a practical alternative to the ownership of public utilities by private companies. Mr. Gladstone, speaking in the House of Commons in 1884 in support of Sir William Harcourt’s Bill to reform London government, said, “the supply of water and the supply of gas, two of the most elementary among the purposes of Municipal Government, have been handed over to private Corporations for the purpose of private profit because you have not chosen to create a complete municipality for the Metropolis.”‡ It is probable that the gas

\* *B.P.P. Reports from Commissioners, 1847-8* (135-15, p. 3), vol. xxx, p. 255.

† *Metropolitan Gas Act, 1860*. This statute introduced the system of gas referees and examiners which was extended to the whole country by the *Gas Regulation Act, 1921*.

‡ *Hansard, 1884*, vol. ccxc, 550.

and water companies in London exerted a considerable influence behind the scenes in opposing all attempts to establish a strong and effective system of local government in the Metropolis.

Once the idea of competition had been discarded the principle of municipal ownership made rapid headway. The following table shows the number of gas undertakings acquired by local authorities in the periods stated\*:

1844-1867	..	..	..	..	13
1869-1878	..	..	..	..	68
1879-1892	..	..	..	..	17
1893-1903	..	..	..	..	67
1904-1913	..	..	..	..	8

In almost every case the enterprise was started by a private company and then bought by the local authority. No less than twenty-nine undertakings were acquired in the years 1877-78, after which the movement towards municipal ownership received a check from the fear that the demand for gas would be seriously damaged by the new medium of electricity which was beginning to make its appearance on the market.†

Municipal gas undertakings thus came to be established in Birmingham, Bradford, Coventry, Halifax, Huddersfield, Leeds, Leicester, Nottingham, Oldham, Rochdale, Salford, and other large cities in England and Wales, not to mention Glasgow and other leading towns in Scotland. In this way something like 40 per cent of the whole industry passed into municipal ownership.‡ The proportion would

\* *Further Factors in Industrial Efficiency*, p. 306. The figures do not include non-statutory undertakings which were transferred to municipal ownership in several cases.

† That this apprehension was ill-founded is shown by the remarkably rapid increase in the sales of gas during the past fifty years. The increased consumption is due to many causes, including technical improvements, prepayment meters, the provision of apparatus on easy terms, and most important of all the rise of cooking and heating as the principal uses for gas, consuming (in 1928) 65 per cent of the total supply. The figures are as follows:

	Gas Sold					<i>Customers</i>
	Thousand million cub. ft.					
1883	..	..	..	..	68·3	1,979,481
1893	..	..	..	..	99·2	2,400,254
1903	..	..	..	..	147·7	4,230,721
1913	..	..	..	..	201·6	6,917,747
1923	..	..	..	..	241·6	7,810,350
1926	..	..	..	..	276·6	8,404,561

‡ This excludes the six to seven hundred non-statutory gas undertakings, most of them quite small, which are in private hands.

undoubtedly have been larger but for two reasons. One was the refusal by Parliament to sanction compulsory purchase of gas companies by the local authority, save in a few exceptional instances. The other was the great strength of the companies in the London area, due largely to the absence of any effective municipal authority until a relatively late date. The importance of the London supply is shown by the fact that, in 1925, sales of gas were divided almost equally between private and municipal enterprise outside London, whereas the municipal share of total sales, including London, was only 36 per cent.

The latest figures (for 1933) show that out of a total of 656 authorized gas undertakings in England and Wales, 409 are in the hands of private companies and 247 are in municipal ownership. The local authorities own 17,714 miles of gas mains (compared with 33,101 miles owned by the companies); they supply 2,958,050 consumers (compared with 6,179,134 supplied by the companies); their sales amounted to 371,238,576 therms of gas (compared with 887,115,410 sold by the companies).\* There appears to have been a slight decline in the relative position of the municipalities during the past ten years, doubtless owing to the severe depression in the Lancashire and Yorkshire towns, where municipal ownership is usual, and the increase of population in the London region, which is in the hands of the companies.† But broadly speaking, the position has remained substantially unchanged in this respect since 1913.

There have been various motives underlying the movement for the municipal ownership of the gas supply. The desire to protect the consumer against excessive charges has already been mentioned, but the importance of this should not be exaggerated, for on the one hand the local authorities have themselves usually been subjected to a maximum price limitation on their charges, which shows a certain lack of confidence in their disinterested solicitude for the consumers; and on the other hand, the invention of the sliding scale device (first introduced in 1875) greatly lessened the danger of exploitation by the companies. We must therefore look for other motives. Among these may be mentioned the determination to secure an adequate service or an improved supply from the point of view of pressure or quality; and the attainment of administrative efficiency in regard to the maintenance of the highways by the avoidance of uncoordinated action

\* *Board of Trade Relating to Gas Undertakings*, 1933, part i. H.M.S.O., 1934.

† Cf. *Further Factors in Industrial Efficiency*, p. 311, for the figures in 1925.

on the part of a number of undertakers each possessing a statutory right to open up the streets. The desire to obtain revenue from the surplus or profit in order to reduce the rates was also important in certain cases. It was, for example, the explicit motive for the acquisition by the Birmingham Corporation of the gas works in 1874.

The collectivist philosophy has doubtless played the most important part of all. A hundred years ago it was in Manchester alone that people could be found who advocated the municipal provision of public utilities as a consciously held and fully articulate doctrine of social ownership. A prominent Lancashire magnate, Thomas Hopkins, declared in 1834 that "it is highly desirable that the inhabitants of a large town like Manchester should have the ownership of works like the gas works, and amongst the many reasons why the works should be retained a very important one was breaking up the streets. . . . He conceived also that waterworks and markets should always belong to the town, and some progress should be made to obtain the ownership of these. . . . It was of importance that the gas should be good, but what security would there be for its being good if the works went into the hands of a joint stock company? Their interest would be to make as much money as they could. . . . For these reasons he considered that all public works should belong to the town or be under the control of the public, for they generally acted under the influence of more elevated feelings than those whose principal aim was profit. The absence of a number of things of this kind in a town constituted its decline, but a number of advantages of this description gave it prosperity. . . . Instead of giving up what the town at present possessed, a plan of action should be laid down which would bring under the control of the town everything which might belong to it."\*

It would be difficult to find a statement in more complete opposition to the philosophy of what is called the Manchester School than this utterance. It is a little hard on Manchester that despite her remarkable record in the sphere of public utilities the name of the city should be so persistently identified with the extreme doctrine of *laissez-faire*.

The collectivist philosophy as applied to public utilities came to the forefront of public discussion towards the end of the nineteenth century, when the Fabian Society made municipal ownership one of the principal planks in its programme. Bernard Shaw's *Commonsense*

\* Reported in *Manchester Times*, January 25, 1834. Quoted by Webb, op. cit., p. 270-1.

*of Municipal Trading* is an illustration of the importance attached by the Fabians to this question. The leading members of the Society were described contemptuously as "gas and water Socialists," a term of abuse invented not by their Conservative or capitalist opponents, but by members of the more extreme Socialist organizations who regarded municipal trading as either too unimportant or too pedestrian to warrant the attention of serious revolutionary Socialists.

The Fabians were strenuously opposed to the idea that public utilities should be run on a profit-making basis in order to relieve the ratepayer; and Mr. and Mrs. Sidney Webb and their followers undoubtedly exercised a considerable influence on the attitude of local authorities on this question. At that time the contradiction was not clearly grasped between the contention that an improved service could be provided to the consumers if the local authority owned the utility services, and the practice of running those services in order to make a large profit for the ratepayers.

To-day, broadly speaking, the issue has been decided in favour of the Fabian view. The Ministry of Health stated recently that it is the normal and proper practice of local authorities to fix their trading charges at such a level as will be at least sufficient to avoid a deficiency on the working of the undertakings; but taking the country as a whole, it is even necessary to find a small sum out of the rates to meet trading deficiencies, although there are still a number of local authorities which make a profit on their undertakings.\*

#### IV

We may now turn to the history of the water supply.

The activities of local authorities in regard to the provision of water go back for centuries prior to 1835. The authorities of Southampton, Hull, Bath, and Plymouth, for example, were operating piped supplies in the fifteenth and sixteenth centuries; Rye and Oxford established municipal supplies in the seventeenth century; and provision of some kind had been made prior to 1835 by such towns as Alnwick, Berwick, Bristol, Coventry, Penzance, and Leeds.† The

\* *Thirteenth Annual Report of the Ministry of Health, 1931-2.* Cmd. 4113, 1932, p. 158. In 1929 there was a deficit of £2,400,000 on some undertakings and a surplus of £1,500,000 on others, leaving a net deficit for the whole country of £900,000. For further details see also pp. 389-391, post.

† S. and B. Webb, *English Local Government: The Manor and the Borough*, pp. 193, 407, 409, 419, 431, 448, 514.

early supplies were probably authorized by Royal Warrant or by Charter. The earliest statute on the subject was an Act of 1541, which empowered the Mayor and the Dean of Gloucester to provide a water supply.\* Thenceforward Private Acts were the principal means of conferring powers in this sphere. Between 1775 and 1844 Pembroke, Aberystwyth, Haverfordwest, and several other municipal authorities obtained Parliamentary powers to supply water.

But despite these and many other indications of an early interest by the civic authorities in the supply of water, there was nothing even remotely approaching a municipal supply in the year 1835. In one or two places the water supply might be laid down and managed by Improvement Commissioners† (examples of this were to be found in Hull, Huddersfield, Halifax, and Brecon); but nearly everywhere it was in the hands of private persons or companies operating for profit. Even when the sources of the supply were owned by the corporation, it was usually farmed out to contractors. This was done, for example, in Gloucester, Leicester, Leeds, and Plymouth.‡ Most of the towns which in earlier times had obtained authority to provide a supply had allowed their powers to fall into disuse.

Public attention began to be focussed on the question with a new interest after the reforms of 1835. A Select Committee of the House of Commons reported in 1840 that the provision of an ample water supply for the poorer classes was of the utmost importance as in some places the supplies were lamentably deficient. Two years later Edwin Chadwick, in his remarkable report to the Poor Law Commissioners on the sanitary condition of the labouring population, drew attention to the manifold defects in the existing water supply, and emphasized the necessity of providing an improved service for domestic use and street cleaning. He insisted that in the case of water, as in that of gas, "the competition of different companies does not necessarily furnish to the individual consumer any choice or amendment of the supplies"; and he emphasized the detrimental effects on the consumer of wasteful competition.§ But the deplorable state of affairs which then existed was not fully revealed in all its grimness until the Report of the Royal Commission on the Health of Towns was published in 1843–45.

\* 33 Henry VIII, c. 35.

† Royal Commission on the Health of Towns, 1843–45, vol. ii, p. 47.

‡ S. and B. Webb, *English Local Government: The Manor and the Borough*, p. 394; *Statutory Authorities for Special Purposes*, pp. 46, 249.

§ *Sanitary Report of 1842*, 8vo edition, pp. 73–76.

Even at this distance of time that celebrated Report remains a startling document. The Commission made detailed inquiries into the position in the fifty largest towns of the country. From the evidence they received they stated "that only in 6 instances could the arrangements and the supplies be deemed in any comprehensive sense good; while in 13 they appear to be indifferent, and in 31 so deficient as to be pronounced bad, and, so far as examined, frequently inferior in purity."<sup>\*</sup>

In Coventry springs existed fully adequate to meet the needs of the population, but the conduit and the right to supply had been leased to a private individual, with the result that only 300 or 400 houses out of 7,200 received a supply. In Norwich, where the corporation once owned a fine waterworks, the undertaking had passed into private control, and only one-quarter of the houses were supplied, the poorer classes being left to manage as best they could. In Bristol, which (with Clifton) had 130,000 inhabitants, only the wealthiest families, comprising not more than 5,000 persons, had water laid on to their houses. The remainder were dependent on public or private wells, the water from which was frequently unfit for use, "being tainted with the feculent matter from the cesspools, which oozes through the porous soil and intermingles with the water."<sup>†</sup> The poor suffered from a great deficiency or difficulty in obtaining water. In Birmingham, where the undertaking was run by a company, only 8,000 houses out of 40,000 were receiving a supply.

In Newcastle-on-Tyne only one house in twelve was supplied, the occupants of the remainder having to purchase their water at stand-pipes or public wells at the exorbitant price of  $\frac{1}{4}$ d. a skeel of five gallons. This rate was more than four times the price charged for a private supply to a house in Newcastle, and twenty times the price charged in certain other towns, although it involved the inconvenience of attending at the filling places at specified hours, waiting for long periods, and the labour of carrying the water considerable distances.<sup>‡</sup> In Chester the poorer citizens were not supplied at all, but obtained their water either from the river or by begging. In Bolton, again, the Commission stated that the poorest people had to beg for water. Halifax relied on springs, and great difficulty was experienced by the poor in procuring water. In Portsmouth complaints were made concerning both the quantity and the quality of the supply, and

\* *Royal Commission on the State of Large Towns*, p. xi.

<sup>‡</sup> *Ibid.*

<sup>†</sup> *Ibid.*, vol. ii, p. 49.

the poor were stated to beg for water from their neighbours. At Liverpool, also, many of the poor obtained their water by begging or stealing it.

The supply at Liverpool was in the hands of two companies enjoying exclusive privileges conferred by Private Acts. These companies conducted a highly profitable business: the £100 shares of the Bootle Company were worth £380 in the market, those of the Liverpool and Harrington Company no less than £610. Mr. Holme, a local witness before the Commission, stated that the monopoly enjoyed by these great companies in Liverpool had been prejudicial to the health of the community. There was, he complained, not a single public fountain or public pump in the city, very few troughs for watering cattle, no standpipes for cleansing footwalks, no reservoir for washing out the public sewers. The poor were driven to obtain water surreptitiously, and to do so was not considered a crime. Above all, great trouble had been experienced in obtaining water to deal with fires. "Water," said this witness, "is as essential to the health and comfort of mankind as the air we breathe; and when mankind congregate in masses . . . it is essential to the public health that it should be most abundant, not doled out to yield to others 30 per cent interest, but supplied from the public rates and at the net cost."\* A similar statement had been made as far back as 1809 by a committee of the citizens of Manchester in a report which had been enthusiastically adopted by crowded town's meetings called to prevent the water companies from obtaining the extended powers they were then seeking from Parliament.† But the influence of the companies was too strong, and when the Commission of 1843–45 inquired into the matter Manchester was still being supplied by the same method in a highly inadequate manner.

The water supply in the largest towns until nearly the middle of the nineteenth century was thus nothing short of deplorable. With few exceptions the supply was in the hands of private companies or persons; high prices and large profits were common; the supply was utterly inadequate in extent, and often defective in quality or contaminated; and to the poorer classes of the community—that is, the vast majority of the citizens—water was in many places a luxury which could only be obtained by begging, borrowing, or stealing.

\* *Royal Commission on the State of Large Towns, 1843–45*, vol. ii, Appendix, p. 193.

† *History of the Origin and Progress of the Water Supply of Manchester, 1851*. Reprinted from *Manchester Guardian*; Webb, *Statutory Authorities*, p. 261.

At best they were compelled to fetch and carry water long distances to their dwellings. The bad water supply was definitely a contributing factor to the disease prevalent among the poor.

The Commission on the Health of Towns reported that it was not generally recognized to be the duty of the local authority to enforce or provide an adequate supply of water for the town.\* But, they observed, it was generally admitted by witnesses that the only way of securing a copious supply of pure water was by entrusting the service to an independent and disinterested body. Hence it should be the duty of the local authority not only to procure a sufficient supply for all the inhabitants both for domestic and street-cleansing purposes, but also to ensure its regular distribution.† The Commission accordingly made a number of recommendations designed to attain these ends. The most important were those requiring water companies to comply with the demands of the municipal authorities on equitable terms, and empowering the latter to acquire the company water undertakings by purchase‡; or to establish a waterworks where none existed.

## V

Up to this time there had been no general legislation of any kind respecting water. Parliament had never concerned itself with the matter beyond dealing with Private Bills as and when they happened to be promoted by interested persons or corporations. The Health of Towns Commission drew attention to the lack of any general law and the obstacles to a public supply presented by the expense and delay of the Private Bill procedure.

1848 saw the enactment of the first Public Health Act. This statute authorized the setting up of local Boards of Health in such places as the General Board of Health considered advisable. These local Boards were empowered to provide a water supply for their districts, provided that where a statutory water company was already in existence no waterworks could be undertaken without its consent.

It would be difficult to imagine a more stultifying condition than this absurd proviso, in view of the state of affairs disclosed by the Royal Commission. Various other provisions in the Public Health Act, 1848, which might otherwise have materially improved the position, such as the power granted to the local Boards to maintain public cisterns, pumps, etc., for gratuitous use, were in substance

\* Op. cit., vol. ii, p. 46. † Op. cit., vol. ii, pp. 50-52. ‡ Op. cit., vol. ii, p. 54.

made dependent on the contingent good will of the companies whose interests would thereby be injured.

In 1871 the Local Taxation Returns were first issued. These show that 250 out of 783 urban authorities were expending money on water supply works of one kind or another. In 1872 (following the recommendations of the Royal Sanitary Commission, 1869\*) Disraeli's great Public Health Act was passed, later embodied in the Public Health Act, 1875. Sanitary authorities were now established throughout the country, with power to supply water to the whole or any part of their districts except within the statutory limits of a water company. Local authorities might construct and maintain waterworks, lease or purchase (with the consent of the central department) waterworks and water rights. For the first time a definite obligation to provide a proper water supply was placed on the shoulders of local authorities.†

By 1879 a supply of drinking water was being furnished in a piped service by the municipal authorities in no less than 413 urban sanitary districts out of a total of 944 areas. This compared with 290 districts which were receiving a piped supply from companies or private undertakers. In 241 urban districts there was no piped supply at all.‡

From that time onwards the principle of municipal ownership and operation has made steady and continuous progress. The policy of Parliament is well illustrated by the decision of the House of Lords Committee on the Sheffield Corporation Bill of 1887. The Chairman stated: "The Committee have come to a decision that it is expedient that the works of the Sheffield Water Company and the control of the water supply should be transferred to the Corporation. They have come to this conclusion on the grounds of public policy. But they do not consider that there has been any proof of mismanagement or failure of duty on the part of the company; and consequently they think the terms of purchase should be not only fair but liberal."§ Although this was the general policy of the legislature, it was not followed in every case. Eastbourne and Southampton were refused permission in 1897 to supersede the local water companies, Hartlepool and Norwich in 1898, Glamorgan County Council in 1909, Cambridge in 1911. But,

\* *B.P.P. Reports of Commissions*, 1871, vol. xxxv, pp. 38–39.

† S. 299 of the P.H. Act, 1875, deals with the position where the local authority is in default.

‡ *Parliamentary Return*, 1879. In many cases only small parts of the district were supplied with a piped service. Cf. Cd. 395/1915, p. xxii.

§ *Return of Water Undertakings: B.P.P. Cd. 395/1915*, p. xxiii.

generally speaking, the battle for municipal ownership had been fought and won.

The Local Government Board did its best to assist the movement. Sir Samuel Provis, the Permanent Secretary of the Board, informed the Joint Select Committee on Municipal Trading in 1900 that "looking upon water as a prime sanitary necessity, they have thought it desirable that it should be in the hands of the sanitary authority of the district."\*

With Parliament, Whitehall, and the local authorities all convinced that municipal ownership was desirable, the outlook for private operation was hopeless. In 1897 the position was as follows:†

165 municipal boroughs supplied water themselves.

27 municipal boroughs were supplied by another local authority.

97 municipal boroughs were supplied by companies.

11 municipal boroughs were supplied partly by the local authority and partly by another local authority or a company.

223 urban districts were supplied by the local authority.

199 urban districts were supplied by another local authority (in 81 cases in bulk).

249 urban districts were supplied by companies.

23 urban districts were supplied partly by the local authority and partly by another local authority or a company.

There was thus a municipal supply in considerably more than 610 areas out of the total of 990. Two years later a Parliamentary Return applying to 265 municipal corporations showed that 173 had separate water undertakings of their own.‡ In 1902 the number had risen to 193.

The story of the water supply in London really requires separate treatment, as in the case of most other services in the capital. The Private Acts in the metropolis started with the Hampstead Water Act, 1543. The great New River undertaking was carried out by a private citizen under a Charter of 1619 granted by James I, who provided funds in exchange for a half-share of the ownership. Numerous companies were formed in the seventeenth, eighteenth, and early nineteenth centuries either by Special Act or Letters Patent, and gradually by a process of merging or amalgamation the smaller ones were absorbed. About 1830 the Metropolis was supplied by eight large water companies, five of them operating north of the Thames, the remaining three on the south side.

An extraordinary number of official inquiries were made into the water supply of London during the nineteenth century. There was a

\* B.P.P., Cd. 305/1900. Q. 1022, Evidence.

† Joint Select Committee on Municipal Trading. Evidence of S. Provis.

‡ Municipal Corporations (Reproductive Undertakings), Return of 1899.

Select Committee of the House of Commons in 1821, a Royal Commission in 1827–28, another Select Committee in 1828, a Select Committee of the Lords in 1840, a detailed investigation by the General Board of Health in 1850, a Commission of Inquiry in 1866 into the East London waterworks following a severe outbreak of cholera, another Royal Commission in 1867–69, not to mention disturbing statements by Sir John Simon, the first Medical Officer of Health, in one of his annual reports.\* Parliament and successive Governments took a personal but ineffective interest in the purity and adequacy of the metropolitan supply.

As the century progressed the doubts and apprehensions of the public tended to increase rather than diminish, both as regards the economic aspects of the supply to the capital and as regards its hygienic and quantitative adequacy. In 1851 Sir George Grey introduced a Bill to amalgamate all the existing companies and to enable the Secretary of State to regulate the sources of their supply. The Treasury was to have power to buy out the new undertaking on six months' notice. This Bill passed its Second Reading, but was subsequently rejected. There was at that time no representative local authority in London, but the intention was to municipalize the water supply if and when a municipal council were established.

During the next fifty years protracted but unsuccessful attempts of various kinds were made to dislodge the London water companies. The Government, the City Corporation, the Metropolitan Board of Works—all tried by one means or another to secure the transfer to public ownership of the companies' undertakings. For reasons which have never been adequately explored, but which would probably make an interesting chapter in Parliamentary history, all the various Bills were defeated, until at last in 1902 the Metropolis Water Act was passed. By this measure the Metropolitan Water Board was established in April 1903, and the companies' undertakings transferred to it two years later at the exorbitant cost of £46,939,258.† The Board is composed of representatives of the local authorities in the Greater London area.

The process of municipalization has continued during the present century. In 1915 it was officially estimated that two-thirds of the entire

\* *Twelfth Annual Report of the Medical Officer* (1869), p. 35.

† *Return as to Water Undertakings in England and Wales. B.P.P. Cd. 395/1915*, pp. ii–x. The accounts of the Metropolitan Water Board are contained in the Local Taxation Returns. See the returns for 1931–32, vol. ii, 1934, pp. 62–63.

population was supplied with water by municipal bodies. There were 786 local authorities conducting separate undertakings, made up as follows: 51 county boroughs, 151 non-county boroughs, 298 urban districts, and 286 rural districts. In addition there were 34 other joint authorities excluding the Metropolitan Water Board. This compared with 200 companies possessing statutory powers.\* The 84 private companies without Parliamentary powers and the 1,055 private proprietors may be disregarded as of small importance.

At the present time more than 80 per cent of the population is supplied by local authorities. The great undertakings at Birmingham, Manchester, Liverpool, Leeds, Bradford, Hull, and Sheffield are all owned and operated by the city councils. In a number of important towns, such as Coventry, Halifax, Hastings, Huddersfield, Plymouth, Oxford, Swansea, Worcester, Bath, and Hull, the waterworks were also constructed by the local authorities themselves.

The development of a well-nigh universal system of piped house-to-house supplies is one of the great achievements of the century; only the small fraction of the population which lives in rural areas are now without this facility.† The difference which it has made to the health, cleanliness, and comfort of the people can scarcely be over-estimated. The growth of a constant service of piped supplies at high pressure became possible with the introduction of cast-iron pipes, and with the cheapening of lead pipes. But it would be a great mistake to attribute the transformation of water from a luxury of the well-to-do to a necessity available to the poorest members of the community as being due merely to technical improvements which would in any case have produced that result even if water had remained an article of trade in the commercial sense. An improved supply, both as regards quality and quantity, together with a reduction of price, has followed the process of municipalization in too many places for the occurrence to be regarded as an accidental coincidence. Cause and effect are clearly revealed. The transformation of the water supply is primarily due to the replacement of commercial enterprise in this field by municipal undertakings operating on pure public utility principles.

\* Almost similar figures were given in 1925 in Michael and Will, *The Law Relating to Gas and Water Undertakings* (7th ed.), vol. ii, p. 1. The censuses of production, 1907-24, showed 81 per cent of the net output of water produced by municipal undertakings, leaving 19 per cent to the companies.

† Cd. 395/1915, p. :

## VI

The next utility to which we may turn our attention is street transport: tramways, trolley-buses, and motor-buses.

Tramways were first introduced into Great Britain about 1860, horse-drawn vehicles being the method of traction usually adopted, though steam was occasionally used. The earliest undertaking was probably the one established in Liverpool under the provisions of the Liverpool Tramways Act, 1868. This Act was promoted by a company; but the statute declared that if the local authority wished to purchase after eleven years and sought Parliamentary powers for that purpose, the company should not oppose but would sell the undertaking on terms to be settled by arbitration.

In 1869 three companies were empowered by Special Acts to establish three separate tramways in London. The local authority was to have the right of purchase after a lapse of time, though the period was extended to twenty-one years. There was thus at the very outset a recognition of the potential right of the local authority to own the tramway in its area.

The following year saw the passing of the Tramways Act, 1870. This measure permitted the authorization of tramway undertakings by Provisional Order (issued by the Board of Trade and confirmed by Parliament). A local authority could obtain a Provisional Order for this purpose; and its consent was required before one was granted to a company. The right of compulsory purchase by the local authority was authorized at the end of twenty-one years and thereafter at the termination of recurring periods, on "structural value" terms: an extremely low basis of compensation.\* Acquisition by agreement was permitted at any time.

From then onwards the principle of municipal ownership of tramways was accepted even by the companies who promoted Special Acts. No less than nine of the Special Acts of 1870, including those which authorized tramways in Glasgow, Birmingham, Portsmouth, Plymouth, and London, contained provisions empowering the municipal corporation to purchase the undertaking at the end of a specified period.

But although the principle of municipal ownership was conceded,

\* It consists of the actual value, fixed by a referee, of the permanent plant, without any payment for profits or for compulsory sale.

it was nevertheless held that the actual management and operation should be in the hands of a commercial company working for profit. Between 1870 and 1882 all tramways constructed by local authorities were invariably leased to companies at an annual rent: this was done, for example, in Manchester, Bradford, Birmingham, Liverpool, and Glasgow. In 1879 a Select Committee of the House of Lords reported in favour of the municipal ownership, construction, and maintenance of tramways, but recommended that they should be worked by private companies.

This view of what was desirable was reflected in the interpretation placed on the section of the Tramways Act, 1870, which states that "Nothing in this Act contained shall authorize any local authority to place or run carriages upon such tramway." For many years these words were held to impose a positive veto on the operation of a tramway by the municipality, although it is obvious they do nothing of the kind. The words merely define the limits to the powers conferred, or authorized to be conferred, by the particular statute (which was largely a Clauses Act). However, the Standing Orders of both Houses were amended so as to forbid the introduction of clauses in local Bills empowering a local authority to work a tramway. Acquisition, construction, and maintenance were permitted, but not operation.

This attitude gradually changed. The Huddersfield Corporation found the local tramway lying idle on their hands, and Parliament in consequence gave power to the Board of Trade\* in 1882 to permit the local authority to run the undertaking if it could not be leased at an adequate rent. A similar provision was inserted in 1892 in Special Acts relating to Newcastle, Blackpool, Plymouth, and Newport.† Blackpool took the law into its own hands, and ran its tramway system for some time without waiting to obtain Parliamentary sanction.

The battle for municipal operation was not yet entirely won, however, for in 1889 the city of Liverpool promoted a Bill to work the city's tramways in case of need—they were leased to a company at the time—and the proposal was rejected by the Lords.

From about 1896, however, the principle of municipal operation

\* Huddersfield Corporation Act, 1882.

† Joint Select Committee on Municipal Trading, Cd. 305/1900. Evidence of Sir Courtenay Boyle, Q. 99, pp. 9–10.

was fully accepted, and power to work tramways was freely granted to local authorities by Special Act or Provisional Order.

The position at the close of the nineteenth century was that 61 tramways, with a mileage of 520, belonged to local authorities, while 89 undertakings covering a mileage of 467 belonged to the companies.\* Most of the great cities, including London, Birmingham, Blackburn, Sheffield, Liverpool, Manchester, and Halifax, were responsible for their tramways.

The process of electrification, which by that time had become desirable on economic and technical grounds, helped to promote the further development of municipal ownership and operation. The substitution of electrically propelled cars for the horse-drawn vehicles called for capital expenditure on a large scale, and as this often occurred near the time when the liability to compulsory purchase matured, the need for extensive re-equipment and electrification often seemed to indicate the desirability of municipal purchase. In Leeds, for example, the company's undertaking was acquired in 1894 by the local authority, which proceeded two years later to renew the whole track and to install electric traction throughout.†

The expansion of municipal enterprise continued into the twentieth century.‡ No less than thirty local authorities established tramways under municipal operation between January 1, 1898, and the end of 1902. By 1913 the share of the tramway undertakings of the country under municipal control and ownership amounted to three-quarters of the total. By 1925 the proportion had risen to four-fifths.§ Broadly

\* Joint Select Committee on Municipal Trading, Cd. 305/1900. Evidence of Sir Courtenay Boyle, Q. 99, Appendix to evidence, p. 353. This was the position at June 30, 1899.

† *Return of Municipal Trading (U.K.)*, 171 (1), 1909, vol. i, p. 14.

‡ See p. 388, post.

§ The actual figures for various items are as follows. The most significant is car miles run. (See *Further Factors in Industrial Efficiency (Report of Balfour Committee on Industry and Trade)*, p. 327.)

*Tramways: extent of Municipal Undertakings Local Authorities share of total enterprise.*

	<i>Percentage of total.</i>		
	1913		1925
Aggregate capital expenditure .. ..	71		79
Route miles owned .. ..	63		73
Number of cars owned .. ..	73		82
Car miles run .. ..	75		83
Passengers carried .. ..	80		87
Electricity consumed .. ..	81		85

speaking, the tramway systems in the great cities have been municipalized, while the companies carry on inter-urban services and those operating in the smaller towns.

In 1900 Sir Courtenay Boyle, the Permanent Secretary to the Board of Trade, informed the Joint Select Committee on municipal operation of tramways, "As far as our figures show anything at all, they show it has been fairly lucrative. Corporations have done their work very well in owning tramways and working tramways as a whole."\* This was a notable tribute to the ability of local authorities to conduct great industrial enterprises in an efficient manner.

In the second and third decades of the twentieth century the popularity and solvency of tramways was severely challenged by the advent of the motor bus. The rival merits of the motor omnibus, with its greater mobility, superior comfort, and absence of heavy capital outlay, struck a blow at all tramway undertakings, whether under municipal or company management. But it is worth while noting that the local authorities suffered very much less from the competition of the motor bus than the companies, partly because until 1930 the borough council was the licensing authority.†

It was clearly desirable that local authorities should not be chained indefinitely to an obsolete form of transportation, but should be permitted to run motor-bus services if they wished. Through the efforts of Mr. Herbert Morrison, then Minister of Transport, the Road Traffic Act, 1930, includes a provision whereby a local authority which under any Local Act or Order is operating a tramway, light railway, trolley vehicle, or omnibus undertaking, may as part of that undertaking run motor omnibuses on any road within their district, and also on any other road with the consent of the Traffic Commissioners for the area in which that other road is situate.‡

The result is that local authorities have in recent years started business as owners and operators of motor-bus services on a large scale. The latest figures show that, in the three months ended Decem-

\* Op. cit. Cd. 305/1900, Q. 137.

† From the financial statistics relating to tramways for the years 1913 and 1925, it appears that the local authorities were not so prosperous in 1925 as in 1913; but the companies were very much less prosperous.—*Further Factors in Industrial Efficiency*, op. cit., p. 327-9.

‡ 20 & 21 Geo. V, c. 43, part v, s. 101.

ber 31, 1933, 5,780 public service vehicles were in municipal ownership. These motor buses ran 45,641,518 vehicle miles and earned £2,410,297 from passenger receipts during the quarter in question.\* The share of the whole mass of motor-bus undertakings in municipal hands is at present relatively small, although it is slowly increasing.†

## VII

The latest public utility to arise in the field of local government was electricity. As in the case of gas, electricity was first employed for lighting purposes. This became a practical possibility with the invention of the carbon-filament lamp about 1880. Two years later the first Electric Lighting Act was passed.

The events of the half-century which had elapsed since the municipal reforms of 1835 had had a profound effect on public opinion; and the change of outlook is reflected in the attitude which was adopted in regard to the supply of electricity. There was no longer an unbounded belief in the beneficent results likely to accrue from competition. There was an assumption that the citizens of a locality were entitled, should they desire it, to provide themselves with electricity on

\* In the three months ended December 31, 1933 "Other operators" owned 39,355 public service vehicles, which ran 260,984,554 vehicle miles and earned £10,667,914 from passenger receipts.—*Third Annual Report of the Traffic Commissioners, 1933-34*.

† Percentage proportion of the total volume of public service vehicle traffic worked by (1) Local Authorities, including Joint Committees of Local Authorities and Railway Companies, and (2) all other operators of public service vehicles, including the London Passenger Transport Board (which owned about 5,241 vehicles on January 1,

	Local Authorities, etc.			Companies		
	1933	1932	1931	1933	1932	1931
Vehicles owned on December 31,						
1933 .. .. ..	12·81	12·10	11·61	87·19	87·90	88·39
Seating capacity .. .. ..	16·28	15·42	14·67	83·72	84·58	85·33
Passenger journeys .. ..	23·36	22·44	20·90	76·64	77·56	79·10
Receipts from passengers carried	16·32	15·47	14·39	83·68	84·53	85·61
Vehicle miles .. .. ..	13·73	13·10	12·01	86·27	86·90	87·99

the collectivist principle. There was a recognition of the ability of municipal corporations to establish and operate electricity undertakings in an efficient and satisfactory manner. It may be said that electricity stood on the shoulders of the previous achievements of the municipalities in the provision of gas, water, and transport.

It is true that private companies could and did become "authorized undertakers" under the Electric Lighting Acts, but local authorities were from the outset enabled to enter the field, which they did in large numbers. Moreover, the right of compulsory purchase of company undertakings at the expiration of twenty-one years was given to the borough councils, who were required to pay only the "then value" of the assets without allowance for goodwill, future profits, or compulsory acquisition. The discouragement to private enterprise imposed by these severe conditions was so great that the tenure was extended in 1888 to forty-two years. A more important result was the direct encouragement given to municipal ownership. Not only did the great cities such as Manchester, Birmingham, Glasgow, and Edinburgh enter the field relatively early, but many small authorities were induced to establish generating stations. The fear of electricity supplanting gas was a factor which induced municipal authorities possessing gas undertakings to establish electric supply plants.

For these reasons there was never the same degree of conflict between public enterprise and private interests in electricity supply as had occurred in connection with the other public utilities.

Towards the close of the nineteenth century it became apparent that the areas of local government were far too small to meet the developing needs, in terms of technical efficiency, of the new medium. Added interest was given to this matter by the fact that the possibilities of utilizing electricity for power purposes had already become apparent.

A Joint Select Committee of both Houses of Parliament was set up in 1898 to consider the supply of electricity over large areas, and shortly afterwards a number of power companies were created by Private Acts. The companies were given the right to supply in bulk over wide areas either to an authorized distributor or to an individual consumer for power purposes. These events modified the situation to an appreciable degree in that the power companies were exempt from liability to compulsory purchase. But they did not in any way deter local authorities from pursuing a vigorous policy of municipal

ownership. Between 1898 and 1902 as many as 62 municipal electricity undertakings were initiated. By 1916 the number of local authority undertakings was 327 as compared with 230 companies.\* The outstanding capital indebtedness of local authorities in respect of electricity works rose from almost nothing in 1884-85 to £25·6 millions in 1904-5, £31·5 millions in 1914-15, £63·8 millions in 1925, and £106·5 millions in 1930†—a good indication of the rapid rate of expansion.

About two-thirds of the entire electricity supply industry in this country is now in municipal ownership. At the present time, out of approximately 650 separate distribution authorities, 380 are local authorities. The local authorities are in control for the most part in the large and medium-size towns, and in many cases they also have the right to supply neighbouring areas. The companies occupy important parts of the London region and a few large provincial centres; but with these exceptions their undertakings are on a small scale (apart from the power companies).‡

It is, of course, difficult to compare the efficiency of electricity undertakings in different areas: there are too many variable factors to be taken into consideration. But there is no doubt that within the limits of their opportunities the achievement of the local authorities in this field of activity has been a remarkable one of which they have reason to be proud.

The price of municipal electricity for lighting and domestic purposes was "much lower" in 1921-22 and in 1925-26, to quote the words of the Balfour Committee on Industry and Trade,§ than that charged by the companies. Moreover, the Committee stated, "There has been a greater reduction of average price in every class and in the total in the case of the local authorities than in the case of the companies,"||

\* *The Socialization of the Electrical Supply Industry*, by G. H., 1934, p. 10.

† *Thirteenth Annual Report of the Ministry of Health*, 1931-32, Cmd. 4113/1932.

‡ Municipal percentage of electric supply:

		1920-21	1925-26
Aggregate capital expenditure .. ..	..	64	64
Capacity of generating plant .. ..	..	67	67
Units sold .. .. .. ..	..	63	64

§ *Further Factors in Industrial Efficiency*, p. 320.

• || *Ibid.*, p. 324. Maximum prices are prescribed by law both for municipal and company undertakings, but actual prices are a matter of discretion in both cases except under certain recent Acts and Orders. Power companies usually have to observe a sliding scale.

and this despite the fact that the average working expenses (excluding capital charges) were slightly lower in the case of companies.\* The Committee also found that the local authorities had done much more than the companies to foster the use of electricity through the hire and sale of apparatus.

The advantages to be derived from a national scheme of electrification, and the disadvantages of the existing multitude of small areas of supply, were pointed out by a Committee presided over by Sir Archibald Williamson in 1917. In 1919 a Bill was passed to give effect to the recommendations of the committee, which aimed at setting up a Commission with large powers of control over the whole industry, and in particular with power to weld together the hundreds of small undertakings into a few large joint electricity authorities covering extensive regions. The House of Lords deleted the compulsory powers from the Bill, with the result that the Electricity Commission, when it came to be established under the Electricity Supply Act, 1919, was little more than a pious aspiration. The period from 1919 to 1926 may be described as the Seven Lean Years so far as large-scale reorganization is concerned.

In 1926 the Electricity Supply Act was passed, a statute which is perhaps the most constructive single measure of the entire post-war period. The Act provided for the setting up of the Central Electricity Board to carry into execution schemes to be prepared by the Electricity Commission.

The conception underlying the plan was that the generating side of the industry should be placed under rigorous central control by an independent public service corporation. A vast "gridiron" covering the whole country was to be constructed, and into this grid power was to be pumped by a small number of large generating stations worked under the orders of the Board. From this general system a supply would be given to authorized undertakers according to their requirements, and they would then distribute to the consumer. Stations of outstanding magnitude and technical excellence would be "selected," and the others closed down if and when certain conditions intended to safeguard the interests of their owners had been complied with.

This ambitious plan was put into operation with remarkable speed and vigour. The period from 1926 to 1934 may be regarded as the

\* The local authorities have stringent obligations in regard to the repayment of capital borrowed for electrical supply purposes and they also have to make allowance for depreciation. See *Further Factors in Industrial Efficiency*, p. 322.

**Seven Fat Years.** Nine great schemes were prepared to cover the whole of Great Britain and were adopted by the Board. By 1934 the network of main transmission lines had been constructed at a cost of some £30 millions, a standard frequency installed to take the place of the mass of unco-ordinated frequencies and voltages, and considerable progress made towards the creation of a universal high-voltage system. All the power generated for supply purposes over and above the requirements of selected stations is purchased by the Board and then sold to the various undertakers.

This bold plan has revolutionized the generating side of the industry. The distributing side has so far remained untouched, and will no doubt be dealt with when an opportunity occurs.\*

Much could be written about the social, economic, and political implications of this significant development of the last ten years. But it really lies almost outside the scope of this essay, which is concerned with the municipal aspects of public utilities. The events of the post-war period in electricity supply show the evolution of a local utility into a great national service. A partnership has been brought into existence of a new type involving central planning or co-ordination and local execution. The fact that two-thirds of the industry was collectively owned and under disinterested municipal management was doubtless an important element contributing to the success of the scheme.

## VIII

Now that we have reviewed the history of each of the four main utility services in turn, it may be of interest to survey shortly the financial aspects of their growth and present position in order to gain some idea of their relative importance in the economic life of the community.

It is estimated by Mr. and Mrs. Webb that the annual revenue of all the English local authorities at the time of the accession of Queen Victoria amounted to no more than £10 or £12 millions.† It would be difficult, if not impossible, to ascertain the annual expenditure of all the local authorities prior to 1871, when the local taxation returns were first instituted. We may therefore take as a convenient starting-point the fiftieth anniversary of the Municipal Corporations Act, 1835. The

\* See *The Socialization of the Electrical Supply Industry*, by G. H. (1934), *passim*.

† *Statutory Authorities for Special Purposes*, p. 484.

following table shows the growth of capital indebtedness since then in respect of municipal utilities.\*

	Water Supply	Gas	Tramways and Omnibuses	Electricity
1884-85	£ 30,300,000	£ 13,700,000	£	£
1894-95	43,900,000	16,900,000		
1904-05	114,700,000	23,800,000	25,300,000	25,600,000
1914-15	131,800,000	22,500,000	37,900,000	31,500,000
1925	148,000,000	25,200,000	37,800,000	63,800,000
1930	163,200,000	27,800,000	38,400,000	106,500,000
1933-34	167,863,099	27,274,191	39,103,827	121,670,483

There was thus a total outstanding indebtedness in 1933 of more than £355 millions in respect of these four groups alone. This, however, does not by any means represent the amount actually expended on capital account, for outstanding indebtedness does not include loans which have been repaid or annual surpluses which have been "ploughed back" into the utility. The only figures available for the total capital expenditure by local authorities are in regard to electric supply, where the amount is stated to be £232 millions—nearly double the outstanding debt for this service†—and in regard to gas, where the total amount of loans authorized is given as £64 millions.‡ But even these items bring the total to about £500 millions.

The annual expenditure of local authorities on the "Principal Trading Services" (i.e. electricity, gas, harbours, tramways, and water) shows an equally striking rate of growth:§

	<i>£ millions</i>				
1884-85	..	..	..	..	8·6
1894-95	..	..	..	..	11·6
1904-5	..	..	..	..	22·4
1914-15	..	..	..	..	42·3
1924-25	..	..	..	..	88·6
1930-31	..	..	..	..	106·7

\* The figures are taken from the 13th Annual Report of the Ministry of Health, 1931-52, Cmd. 4113/1932; and the 15th Annual Report of the Ministry of Health, 1933-34, Cmd. 4664/1934, pp. 350-1.

† *The Socialization of the Electrical Supply Industry*, by G. H., p. 73.

‡ *Return Relating to Authorized Gas Undertakings*, 1932, part ii, p. 141. Board of Trade, 1934.

§ Fourteenth Annual Report of the Ministry of Health, 1932-33, Cmd. 4372/1933. For particulars of the average income and expenditure during the four years ended

The total income on revenue account for the four main groups of utilities in 1933-34 was as follows: Water, £19,566,194; Gas, £16,398,103; Electricity, £32,866,480; Tramways, Light Railways, and Omnibuses, £26,963,629.\* The magnitude of the financial responsibilities assumed by the local authorities in connection with these great industrial enterprises is clearly indicated by these figures.

But the social responsibilities which they have discharged are of far greater significance. When local authorities became the owners and operators of highly-organized, large-scale utility undertakings, a new chapter in the social, economic, and political history of this country was commenced. Hitherto the functions of government had been mainly those of the police state, comprising justice, public safety, defence, taxation, the provision of highways and currency, the relief of destitution, and so forth. The trading and regulatory activities which the civic authorities had carried on in earlier centuries had long since been abandoned.

There was, then, a sharp division between government and business. The conduct of public administration was "uneconomic" according to orthodox opinion, since it had to be financed out of taxation and was alleged to consist merely of spending the wealth produced by the business community.

The growth of public utilities made this view absurd. It was incontestable that local authorities were conducting great "wealth producing" business enterprises, possessing all the virtues which arise from the ability to be financially self-supporting, or if need be to make a surplus. It became no less evident that these enterprises were being run with a degree of ability and efficiency which was embarrassing to profit-making companies in the same line of business, and disconcerting to those who argued that the profit-making incentive was essential to successful management.

Most important of all was the fact that local authorities brought to their task an attitude which has gradually converted municipal "trading" concerns into public utilities in the best sense of the term: that is, utilities designed to serve each and every member of the public according to his needs. The Committee on Industry and Trade, presided over by Sir Arthur Balfour, could hardly be accused of having a predilection in favour of public enterprise—the contrary

March 31, 1902, see the Return relating to Municipal Corporations (Reproductive Undertakings), *B.P.P.* 398/1902.

\* *Fifteenth Annual Report of the Ministry of Health*, Cmd. 4664/1934, pp. 350-1.

would be more true. But this is what they said in 1928: "The degree of success with which the trading activities [of local authorities] have met has, of course, varied from place to place, and from service to service, and is not wholly amenable to statistical or purely financial measurement. Many municipalities take a wide view of their responsibilities, and have embarked on activities of a trading or semi-trading character with a social aim—the supply to the citizens of services which they need, rather than with the ordinary commercial aim of showing a profit."\* Yet despite this attention to the social purposes to be served through the administration of utilities, the Committee declared that the general result of their survey was to show that "the trading activities of the public authorities . . . have not lagged behind, and in some cases have outdistanced, private enterprise in the rate of progress as tested by ordinary criteria."†

It has not been possible, within the limits of this essay, to deal with municipal utility undertakings considered as employers of labour, though there is much of interest to be said in that connection. It has been necessary to concentrate attention on their service to the consumer and to the citizen, for it is on their achievements in this direction that they must be judged. It may be said, I think, that the municipal utilities have played an important part, both materially and in a psychological sense, in helping to realize the ideal of a national minimum of civilized life for every member of the community. They have moved steadily in the direction of making the body of consumers of utility services coincident with the body of citizens. They paved the way for the developments in other fields, such as housing, which are dealt with elsewhere in this volume. They may be found to contain the germs of further changes more far-reaching than any which have occurred during the past century.

\* *Further Factors in Industrial Efficiency*, H.M.S.O., 1928, p. 30.

† *Ibid.*, p. 40.

## CHAPTER XV

# THE RELIEF OF THE POOR

*by*

GILBERT SLATER

THE Local Government Act of 1929, in the first of its eight parts, with which alone we are here concerned, transferred to county councils and to county borough councils all the powers and duties, assets and liabilities of more than six hundred local authorities, whose existence was thereby terminated. These were the Boards of Guardians created by the Poor Law Act of 1834, and various joint and federal bodies associated with them, which had been created by subsequent amending legislation. We have therefore to consider what those duties were, and how they had been performed; for what purposes those assets had been created, and how they had been administered; and, finally, why a system of public assistance which had been maintained for nearly a century was suddenly abolished.

### THE POOR LAW OF 1834

The Poor Law Amendment Act of 1834 and the Municipal Corporations Act of 1835 were equally corollaries of the Reform Act of 1832, and were passed in response to the same middle-class demands for changes in the machinery of government, to harmonize it with the altered economic environment and distribution of social power and influence. Both acts were brought forward by the same ministry and passed by the same Parliament; and the same device was employed in each case to determine their provisions and prepare the public mind for acceptance. Royal Commissions,\* manned by men already in agreement with regard to the objects to be aimed at, were appointed, and the Commissioners in turn appointed Assistant Commissioners to collect evidence in support of their preconceived judgments.

Notwithstanding this identity of parentage, there was far more contrast than resemblance in the legislative offspring. The Municipal Corporations Act dealt with existing local authorities serving only a minority of the population; the Poor Law Act carved the whole area of England and Wales into new divisions and created new authorities,

\* For the Poor Law, this was the Poor Law Commission of 1832-34.

but for one special purpose only, whereas the functions of the municipalities were general in their scope; Boards of Guardians and borough councils were both elective bodies, but while the latter were given a simple household franchise, voting for guardians was on a graded property basis, the numbers of votes accorded to each ratepayer varying from one to a maximum of twelve. But the greatest contrast of all was in their relations with the Central Government. The borough councils were allowed freedom and initiative, and even the independent audit, considered necessary as a check against illegality and extravagance, was not undertaken by the Central Government, but entrusted to auditors directly elected by the local burgesses. Boards of Guardians, *per contra*, were called into existence to perform duties minutely defined by Orders and Circulars which had the force of law, drawn up and issued from London by salaried officials at their own discretion, and enforced by inspection carried out by other officials, peripatetic subordinates of the first group. True, the Boards were at first allowed to select their own auditors, but this was only a temporary concession. The Central Department gradually tightened its grip on the expenditure until finally its District Auditors held the power of surcharge like a Sword of Damocles over the heads of Guardians of a too independent spirit.\* Speaking generally, the Municipal Corporations Act was in full accord with English traditions of local self-government, the Poor Law Amendment Act in open conflict with them. Yet the latter passed through both Houses of Parliament in a very brief time, with very little debate, and practically no amendment or opposition.

That such an Act was so passed was the result partly of necessity and partly of panic.

The Elizabethan Poor Law had reached its final form in 1601. During the subsequent two hundred and thirty-three years, except for accretions which were not always improvements, it had continued effectively in force through one great civil war, several revolutions, and great and fundamental changes in industrial and social conditions. Its essence was that it imposed on each parish responsibility for maintaining its own impotent poor, the sick and aged, for educating and apprenticing its orphan and deserted children, and for finding useful employment for its own unemployed. In 1834 there were, according to Sir George Nicholls, 15,635 of these independent Poor

\* The Central Department first obtained the right of Surcharge in 1842, though District Auditors were not appointed till a later date.

Law parishes,\* though that figure seems doubtful, as in 1848 the number of poor law parishes was found to be 14,614. Of these over 7,000, i.e. about half, had less than 300 inhabitants each, and nearly 800 less than 50. At the opposite end of the scale, there were great divisions of the Metropolis, like Marylebone and Kensington, or densely crowded ones like Bethnal Green. One parish in Durham had an area of 55,000 acres, another in Northumberland contained only 5 acres.†

The manner in which the parochial officers, the incumbent, churchwardens, and overseers performed their duties varied as much as areas and populations. A considerable number of parishes frequently levied no poor rates at all; in others the rates were so heavy as to be found an intolerable burden in bad years. There were parishes where the administration was humane, intelligent, and honest; there were others, in what proportion cannot now be even guessed, where it was savagely severe, or lax, or stupid, or corrupt, or combined two or more of these characteristics. One feature was common to all. Each parish had its own "settled" poor with a claim on the rates for assistance in necessity, not necessarily living within its borders, and had the right of compulsorily removing any local recipient of relief who was "settled" elsewhere to the parish of his settlement at the cost of the latter. This compulsory repatriation of destitute persons, officially conducted from parish to parish, led to much litigation; and in a measure it would be true to say that the Law of Settlement divided England and Wales into some fifteen thousand republics engaged from time to time in bloodless war with one another.

Even worse than this was the fact that the separate financial responsibility of each parish in many cases tempted the local landowning magnates to make war on labourers' cottages in order that no settlements in the parish might be acquired by birth or residence, trusting to obtain the necessary labour from adjoining parishes. In consequence there were many "close" parishes, where there were no poor rates, or only trifling ones, and neighbouring "open" parishes rife with horribly overcrowded and insanitary cottages. Parochial administration was under the control of the county magistrates, but this only partially mitigated the chaos. In the beginning of the seventeenth century some general control had been exercised by the Privy Council; but this ceased during the Civil War.

The great merit of the Act of 1834 was that it provided the means of re-establishing central control, and of amalgamating the too small

\* *History of the English Poor Law*, vol. ii, p. 307.

† *Ibid.*, pp. 461-62.

and too numerous poor law parishes into less than one-twentieth the number of unions.

But the Act also had ulterior purposes regarded as even more vitally necessary by a governing class under the influence of fears intensified into panic.

There was first the fear that an excessive birth rate not only might, in accordance with the dominant Malthusian doctrine, cause increase of population to outstrip increase of subsistence, but that it actually was doing so. The population of England and Wales had increased very slowly during the first half of the eighteenth century, then, mainly as the result of reduction of death rates, growth quickened, and continued its acceleration in the nineteenth century. By the best estimates\* we have it was about 6,013,000 in 1710 and only 6,253,000 in 1750, but in 1790 had increased to 8,216,000. When the census of 1801, an imperfect enumeration, gave a total of 8,892,536, the country being at war was glad to find it was so rich in man power, and again, in 1811, at the height of the struggle with Napoleon, was heartened to learn that its numbers had swollen to 10,164,256. It was different after the war was over, and had been succeeded by the black depression of the peace. At the psychological moment there appeared the second edition of the *Theory of Population*, this time very widely read. The 1821 figures of 12,000,236 came as a shock. Alarm was intensified when even after bad harvests and a serious rebellion of hard-pressed agricultural labourers, 1831 showed a population of 13,896,797. The preventive checks of war and epidemic disease, with some help by emigration, had been insufficient to prevent the population from growing by over 60 per cent in thirty years—where would this movement end? Obviously in general starvation, unless prudential checks could be made to operate.

The salvation of the nation from its own redundancy, according to prevailing opinion, could only be achieved by drastic reform of Poor Law administration. During the war the county magistrates had generally held the view that the labourers who fed the country and the armies must themselves be fed, and had prescribed subsistence minima for them and their families by means of Bread Scales, deficient wages being supplemented out of parochial rates. The first and most famous of these bread scales was the Berks "Speenhamland Scale," laid down in 1795, which worked out at the price of  $2\frac{1}{2}$  lb. of bread

\* Those of G. T. Griffiths in *Population Problems of the Age of Malthus*. On the merits of the different estimates, see Slater, *Growth of Modern England*, pp. 598–602.

per day per man and  $1\frac{1}{2}$  lb. per woman or child, plus 6d. and the price of an extra gallon loaf per family per week, which might be anything between one and two shillings. The extras would not do much more than cover rent; any other expenses had to be met by eating less, or by substituting some cheaper food for wheaten bread. Not only Malthusians, but publicists of all schools of thought, subsequently condemned this policy as disastrous and demoralizing, but nobody has even attempted seriously to show how the nation could otherwise have fought through the Napoleonic Wars to final victory. Moreover, since the supposedly demoralized agricultural labourers, with relatively little assistance from foreign imports, which were hindered by war, prohibition, and heavy duties, fed between 1795 and 1835 a population which increased from less than 9 to about  $14\frac{1}{2}$  millions so effectively that wheat prices trended downwards, their demoralization cannot have been as complete or as widespread as has been supposed. Probably more nearly adequate nutrition increased their efficiency more than loss of docility and of anxiety to please their employers reduced it.

The Speenhamland policy succeeded in its immediate object so well that the death rate continued to fall during the war. Strenuous efforts to reverse it were made after Waterloo, but with only partial success, and no effect on the birth rate, though there was some increase in the death rate. Much discontent was excited among agricultural labourers, reaching its climax in the revolt of 1830, followed by an epidemic of rick-burning.\*

In addition to this dread of future calamity, which inspired the recommendations of the Royal Commission on the Poor Law of 1832–34, there was a more personal and immediate dread operating on the minds of property owners generally, and particularly of country squires. The cry had gone up that the cost of relief was increasing so fast that before long the poor rates would eat up completely both farmers' profits and landlords' rents. The Royal Commission itself played on this fear, in a somewhat discreditable manner. It made great play with the case of Cholesbury in Bucks, where all the farmers had given up their farms, and the pauperized labourers were left with nobody but the incumbent to set them to work. The facts were as stated, but it has to be added that the area of the parish was only 178 acres held in two farms,† which happened to fall vacant at the

\* Hammond, J. L. and B., *The Village Labourer, 1760–1832*.

† S. and B. Webb, *English Poor Law History*, part ii, p. 4.

same time; no one troubled to inquire why they had been given up. Nevertheless, the vision of ruin spreading like a plague from Cholesbury to the rest of the hundred, to all Bucks, to all England and Wales, was successfully flaunted before the eyes of property owners.\*

There was little statistical basis for this fear. Poor rates had risen greatly during the Napoleonic wars, when profiteering farmers at their market dinners were toasting "A long war and a short crop." They rose still higher when with peace there came widespread bankruptcy, paralysis of employment, a fall of wages, and of earnings of weavers and other craftsmen, in many cases down to starvation point, followed by a summer of perpetual rain and the ruin of cereal crops. It was then that the maximum (£7,870,801 in 1817-18, 13s. 3d. per head of population) was reached. Even in the next climax of distress, in 1831-32, which generated the driving force for Poor Law reform, it was only 10s. per head, and in 1833-34 only 8s. 9½d. There had been a proportionate fall in the ratio of rates to the annual value of real property. Both fears were delusions based on ignorance; the power to produce had increased faster than population, and property owners were reaping the benefit.

It is not, however, the facts, but what the facts are supposed to be, that determine national policy, and it was in order to reduce poor rates and to slow down the increase of population that it was resolved to revolutionize Poor Law administration.

The agents for carrying out this revolution who received their commissions by the Act of 1834 were three Commissioners at salaries of £2,000 a year, T. Frankland Lewis (created a baronet in 1846), J. G. Shaw-Lefevre (knighted in 1857), and George Nicholls (knighted in 1851). They were authorized to unite parishes for Poor Law purposes as they thought fit; to regularize the election of the Guardians who were to administer relief; to compel Unions to build Workhouses; to issue Orders, which should have the force of law, to regulate the Workhouses and all proceedings of the Boards of Guardians; and to establish a central office staff and appoint travelling Assistant Commissioners for mapping the new Unions, getting the Boards started, and inspecting them afterwards. To enable the Commissioners to act, at need, in defiance of public opinion, they were debarred from sitting in Parliament, and on no Minister was responsibility laid for their proceedings. Two checks on them were retained. Their mandate,

\* A similar prediction based on more solid grounds had been made in the House of Commons in 1816 (Slater, *Growth of Modern England*, p. 239).

if not renewed, was to last for five years only; and General Orders applicable to all the Unions had to be laid before Parliament. This last form of control they habitually evaded by issuing identical orders separately to each Board of Guardians.\* One of their duties was to be the abolition of out-relief to the able-bodied, but no limit of time was assigned for the task.

It was, however, clearly understood on all sides that they were to put into effective operation the principles laid down by the Commission of Inquiry, (1) that rate aid should not be granted on the ground merely of poverty, but only on the ground of destitution; that is, poverty so extreme that, all other resources being exhausted, nothing but immediate assistance could prevent a complete breakdown of health or actual death; (2) that the relief when granted should still leave the recipient in a condition both in appearance and in reality less desirable than that of the worst paid independent labourers. These are the two principles of "No Relief except for Destitution" and "Less Eligibility" which continued to be preached, and as far as possible enforced, by the official priesthood installed in 1834 and by their successors, up to the very end of the nineteenth century.

Whether the principle of less eligibility should be applied to the relief of the sick, to destitute aged persons and orphan children, as well as to able-bodied men who were presumed to be able to find work and wages if starvation was the alternative, was a question which the Royal Commission apparently had not considered. There had been so much outcry about the demoralizing influence of grants in aid of wages to able-bodied men that the other problems were lost sight of. If the Royal Commission had considered the question, it would probably have answered it in the negative; but in official and administrative circles the tendency later prevailed to regard less eligibility as applicable to all persons needing public assistance.

#### THE POOR LAW COMMISSIONERS (1834-47)

Of the three Commissioners, only one, George Nicholls, had had previous experience of Poor Law administration. He had been an overseer of the large Southwell parish, and had in two years reduced its expenditure on relief from £2,006 to £589 by refusing all out-relief, and compelling all recipients irrespective of sex, age, previous conduct, and state of health, to come into his "well-managed workhouse." It was a pecuniary sacrifice for him to accept office; he did so

\* S. and B. Webb, op. cit., p. 203 n.

in order to drive forward on a national scale the reforms which he had imposed on Southwell.\* The other two commissioners, T. Frankland Lewis, a middle-aged Welsh Member of Parliament, and J. G. Shaw-Lefevre, a young Whig politician, Senior Wrangler and F.R.S., took up office with more open minds, and the politician's habit of weighing up the contending forces of public opinion. Broadly, they accepted Nicholls's policy, but insisted on proceeding cautiously. Parishes must be *coaxed* into entering the partnerships planned for them, Unions into electing Guardians willing to build new workhouses or extend and remodel existing ones, and persuaded that out-relief was extravagant and demoralizing; but coercive orders were not at first to go beyond prohibiting out-relief to men in employment, and even to that prohibition temporary exception was allowed in special cases, especially where workhouse accommodation was not available. The coach of three horses abreast accommodated its pace to that of the slowest, and the Commission was able to act as a united body. Later on Frankland Lewis was succeeded by his son, George Cornwall Lewis, and Shaw-Lefevre by Sir Edmund Head, but these younger men continued the policy of their predecessors.

But if Nicholls could reconcile himself to the lack of zeal on the part of his colleagues, the case was very different with the Commissioners' remarkable secretary, Edwin Chadwick. He had been private secretary to Jeremy Bentham, and was his devoted disciple. When, in 1832, the Commission of Inquiry had been appointed, he had served first as an Assistant Commissioner, and then as a Commissioner, and had contributed largely to the drafting of the report. He had fully expected to be the first man selected as one of the three.

Chadwick, eager for the Malthusian principles of the Royal Commission's Report, and a hot advocate of the Benthamite principle of Central Control, speedily formed the lowest possible opinion of the fitness of Frankland Lewis and Shaw-Lefevre for their office, and they in return regarded him as a nuisance, and refused to allow him any voice or share in the administration. This Chadwick, an overbearing and ambitious man, a glutton for work, and an enthusiast for certain ideals, could not endure. He had the ear of the Home Secretary and of other leading Whigs, and he made use of this resource to carve out a field of work for himself.

\* From 1838 to 1842 he was engaged in putting into force the Irish Poor Law, which allowed no out-relief, and after retirement he wrote histories of the English and Irish Poor Law.

It was Chadwick's real mission not to reform Poor Law administration, but to be the great pioneer of English sanitation, the apostle of efficient drainage and pure water supply. In 1837, when an outbreak of typhus had alarmed London, he seized the opportunity by putting up the Bishop of London, who had been a colleague of his on the Royal Commission, to ask the Government to direct the Poor Law Commissioners to institute inquiries into sanitary conditions—then an unprecedented incursion into a new field of State action. Three distinguished medical men were commissioned to report on the causes of the prevalence of malignant fevers in London and on the sanitary conditions generally of the worst district in the East End. Their reports were published in 1838, and Chadwick next year secured from the Home Secretary a demand for a general report on the sanitation of the country as a whole. The Commissioners thought they had enough on hand without the addition of what they probably regarded as a superfluous and troublesome task, so they handed the inquiry over to their equally troublesome and superfluous secretary, who produced a monumental "Report on the Sanitary Conditions of the Labouring Classes," which was published in 1843 by the Commissioners as Chadwick's own. Further inquiries by Select Committees of the Commons and Lords, and by a Royal Commission, followed, and kept Chadwick busy until in 1848 he became a member of the newly created General Board of Health, which he dominated during the brief period of its existence. There he earned the gratitude of all succeeding generations in his own country and in all others which have profited by British sanitary initiative, and was repaid by the general obloquy which naturally attaches to those who try to improve people's habits against their will.

Meanwhile the Commissioners, immediately on their appointment, had been pushing forward with the first and most urgent part of their task, the grouping of Poor Law parishes and formation of unions in the pauperized agricultural districts of the south of England, setting the Boards of Guardians to work on the installation of workhouses on the Southwell plan, and drawing up dietary scales for their guidance. They fixed the property qualification of Guardians at a rateable value of £20, the franchise was put on a rate-paying basis, each ratepayer having one to twelve votes according to the value of the property he owned or occupied.

The times were singularly propitious. Harvests were good, the price of wheat falling steadily from 1831 to 1835, when, for the first

time for half a century, it was below 40s. per quarter; the first and lesser railway boom, following on the opening of the Manchester-Liverpool line in 1830, was not only creating a new demand for labour but also stimulating production in consumable commodities generally; and the Lancashire cotton industry was vigorously exploiting the supremacy in the world markets which it enjoyed throughout the hundred years between the two great wars of the nineteenth and twentieth centuries. If a man could not get work in the congested agricultural parish in which he was born, the Commissioners were willing to help him to migrate to one of those northern towns where factory owners were willing to offer work in ample quantity to man, woman, or child.

It is not surprising, therefore, that the cost of relief continued to fall. For the year 1836–37 it was only £4,044,741, and the Commissioners did not fail to claim full credit for a result to which they had only contributed in part. For their first two years they had easy going. The parish overseers and the magistrates who had been carrying on the invidious task of deciding what relief should be granted in this or that necessitous case, liable to be cursed for niggardliness on one side and censured for prodigality on the other, were glad to hand over their gratuitous task; and agricultural labourers, after the crushing of the revolt in 1830, and the collapse of the Grand National Consolidated Trades Union in 1834, would have had no spirit for resistance even if cheaper food and fuller employment had not allayed their discontent.

Then the tide turned. There was a bank crisis in 1837 and the railway boom collapsed; a succession of bad harvests sent up the price of wheat from under 40s. per quarter in 1835 to over 70s. in 1839. Trade Unionism was far from dead in the manufacturing cities of the north, where men were on fire with Chartism, and Feargus O'Connor's *Northern Star*,\* the first of our newspapers to exploit the extra attraction of portraits,† speedily attained the largest circulation of any provincial paper, though its price was sevenpence. Further, the factory operatives had already been roused to furious resentment by the drafting of labouring families from the south under contracts that threatened to undermine standards of wages. In the north, also, the Commissioners came upon elected authorities proud of the way in

\* Started in November 1837.

† The early issues contained in series the portraits of the six Tolpuddle labourers who in 1834 were sentenced to transportation for administering oaths when forming a branch of the Grand National Consolidated Trades Union.

which they administered the old Poor Law, who resented the proposal that they should submit humbly and obediently to the instructions of strangers from London.

The opposition was widespread; and it was fanned by furious propaganda.\* The Commissioners proceeded slowly and cautiously. They were helped by the passing of the 1836 Act for the Registration of Births, Deaths, and Marriages, which gave the appointment of registrars to Boards of Guardians. Parishes were induced to form Unions and elect Boards for the purpose of exercising this patronage, and these gradually took up their more important functions.

There were also legal difficulties to the completion of the task of constituting the Unions and the Boards of Guardians. There were towns which had secured local Acts for the management of their own systems of relief, following the example set by Bristol as early as 1695, and those Acts had not been repealed; there were further voluntary unions of parishes, known as Gilbert Unions, from the Member who had introduced the Act of Parliament which authorized them. These could not be dissolved without their own consent, and they straggled inconveniently, and did not fit into the new arrangements. Howbeit, before the end of the fifth year, 584 Unions had been established, of which 427 had either built new workhouses, or enlarged and remodelled existing ones, while 113 either were following their example, or had agreed to do so. There were still 37 Boards which obstinately refused.†

In that year, 1839, the Commissioners' term came to an end, and Parliament had to consider, in the face of very strong opposition, both within and without, whether it should be renewed. A Select Committee on the proceedings of the Commissioners reported on them favourably, and their mandate was renewed, but for one year only; and then again in 1840.

In January 1841 the Whig Government brought in a Bill giving the Commissioners a further ten years. This time the agitation against them was led ably and vigorously by Disraeli, and after a prolonged struggle the Bill was withdrawn. In the ensuing general election the Whigs were beaten decisively; the Commissioners were a millstone round the party's neck. The Conservatives came into power, with

\* The most remarkable exploit of the opposition was to reprint a curious skit on extreme Malthusianism (a pamphlet professedly advocating the formation of associations of old maids and bachelors authorized to strangle at birth all babies born to any family after the second) as *The Murder Book, by Marcus, One of the Three*.

† Nicholls, op. cit., p. 358.

Sir Robert Peel, who had taken no part in the agitation, as Prime Minister, and he gave the Commissioners a second five years, from 1842 to 1847, Disraeli again leading the opposition.

In 1847 the Whigs were again in office. They now realized the inconvenience of the lack of any link between the Legislature and Poor Law Administration, and by the Poor Law Board Act of 1847 transferred responsibility from the Commissioners to a Minister of the Crown.

Thus ended a remarkable experiment in bureaucratic government. Its success had been small in comparison with the glowing hopes entertained by the economists of the 'thirties, picturesquely expressed by Harriet Martineau in her *Poor Law Tales*. It had reduced poor rates, and the numbers in receipt of relief, but it had fomented instead of allaying discontent; and where it had been most successful, that is in the agricultural areas of the south of England, it had done so at the cost of increasing malnutrition among the labourers, and further impoverishing their physique, as Charles Kingsley pointed out in *Yeast*, an observation confirmed by Dr. W. Hasbach.\*

#### THE POOR LAW BOARD (1848-71)

By the Poor Law Board Act of 1847 democratic control of the administration was, in theory, established. The distinguished gentlemen who were nominally members of the Board took no part in the proceedings, as the Board never met, and consisted in reality of its President only, a Cabinet or other Minister, who represented the Department in Parliament, with a Parliamentary Secretary to take his place if he were in the House of Lords. Henceforward those who disapproved of the spirit or methods of the administration had their constitutional remedy—they could complain to their representatives in the House of Commons, who could question the Minister, move the adjournment of the House if his replies were unsatisfactory, or the reduction of his salary; and if he were, as he pretty certainly would be, upheld by the Government, they could vote for the opposing party at the next general election. From the official point of view, the great merit of this beautiful machinery for enabling the ordinary citizen to make his voice heard effectively was that it was even more effective in keeping him silent. The Department marked its sense of the change in the situation by altering the character of its Annual Reports. The three Commissioners, by Act of Parliament autocrats,

\* *History of the English Agricultural Labourer*, ch. iv, sect. i; *Yeast*, ch. xiii.

had carried on their work under a blaze of publicity, offering an easy mark for hostile criticism, while it was nobody's business to defend them. They used their Annual Reports as their *apologia*, and made them as informing and interesting as they could. Under the new system, the Department had its spokesman in the House of Commons, and it was only there that attack was to be feared. It accordingly made its reports as uninteresting and unenlightening as it decently could, in order to leave as little opening as possible for debate.

To what extent the general popular will could make itself effective depended on the personality of the President who was in nominal control. Twelve Presidents succeeded one another during the twenty-four years of the Board's existence. The permanent officials found most of these, when in harness, docile and easy to drive; quite useful for getting passed such amendments in the law as the office staff desired, and for damping down demands for changes which they deemed undesirable, and properly grateful for being relieved of the necessity for troubling themselves further with departmental business.

The Assistant Commissioners continued in office under the title of Inspectors, and were increased in number. Nicholls remained at the head office till 1851, as Permanent Secretary, but with his salary reduced to £1,200, and then the real control passed to the Chief Clerk, Hugh Owen, who had entered the office in 1836, owing his appointment to Chadwick, and who steadily upheld the principles of 1834.\*

Looking behind Owen, we see that the ultimate ruler of the fortunes of those who depended on State charity was the Ghost of a Dead Theory, the theory that the population of England and Wales was increasing faster than the means of subsistence. That theory, already moribund, expired during the first few years of the Poor Law Board, but its ghost, "Less Eligibility," survived, and the Department, like a well-established and devoted priesthood, continued to worship at its shrine. Carrying on this worship in comfortable security, it enjoyed a freedom of action and immunity from criticism that had not previously been granted to it.†

Contemporary economic conditions favoured toleration of this strange idolatry. From 1848 industrial development quickened its pace amazingly. The second and greater railway boom of 1844–46 had ended in the financial crisis of 1847, but as that passed the benefits

\* He retired in 1872, and was knighted just before his death in 1881.

† Nicholls, op. cit., pp. 410–11.

of better inland transport were increasingly realized. Rapid development of steam transport by sea was an even greater factor in widening the markets and increasing the sales of British manufactures, and expansion was also stimulated by the gold discoveries which, between 1848 and 1853, increased the world's output sixfold, and by a rise in the general price-level which, with fluctuations, continued up to 1873. Money wages for urban workers, skilled or unskilled, increased rapidly, rising faster than prices, and giving the workers the double advantage of fuller employment and higher real rates of wages. Chartism flickered up and died out in 1848, and labour efforts were concentrated on the building up of friendly societies, craft unions, and co-operatives. One great source of discontent had been removed by the abolition of the Corn Laws in 1846, a legislative recognition of the fact that it had become cheaper and more profitable to import cereals than to grow them. True, those rural workers who stuck to their highly skilled art and mystery of agriculture had little, if any, share in the general increase of prosperity, but higher wages and wider prospects enticed away the pick of the younger men to service on the railways and in the police, and to unskilled labour of many sorts in great towns. Moreover, for the discontented there was a new vent available in the call of the goldfields of America and Australia; emigration inspired by hope now overshadowing emigration inspired by despair.\* The middle classes were too busily engaged in gathering the golden harvest of increased profits, salaries, and professional earnings, to continue to worry about poor rates. So the system established amid so much heat and conflict by the Commissioners was developed in seclusion and quiet by the Board.

Of the minor amendments of the Poor Law prompted by the Department itself, the most important was the Union Chargeability Act of 1865, which abolished the separate financial responsibility of the parishes for out-relief granted to their parishioners. This change greatly reduced the numbers of paupers annually transported from the places of their residence to the parishes of their "settlements."†

\* Emigration to Canada was of the latter type, to Australia of the former. The following statistics show the change:

<i>Year</i>		<i>To Canada</i>	<i>To Australia</i>
1847	.. .. ..	109,680	4,949
1852 and 1853	.. .. ..	67,395	149,282

† Nicholls tells us that according to his estimate "in 1849 upwards of fifty thousand poor persons were subjected to the hardship of compulsory removal," op. cit., p. 462.

Measures also for the tightening of the Board's audit were got through, and greatly strengthened its power of preventing Guardians from doing what it disliked. It still had to depend in the main on the persuasive abilities of its Inspectors to induce them to do what it considered they should.

It is convenient here to attempt a brief statistical review of the public services carried on under the supervision of the Board in its early years.

There were, in 1852, 608 Boards of Guardians working under its control. They were maintaining at a cost of £4,897,685 (5s. 5½d. per head of population), 100,327 Indoor Poor, and gave doles in money and kind to 715,470 outdoor recipients, and it was estimated that about 181,000 people received relief from authorities not yet brought under the control of the Board,\* making a total of dependent poor of about 996,800, 5·4 per cent of the total population. The average cost per pauper, including maintenance for some, relief for others, and administrative expenses, came to £4 19s. 10d. In 1843, 238,560 Indoor Poor had been maintained at an average cost of £4 os. 3½d. per head (1s. 6½d. per head per week!), and 1,300,930 Outdoor Poor kept alive with doles for £2 11s. 0½d., or 1s. od. per head per week.† The price level was higher in 1853 than in 1843, nevertheless the increase in the cost of indoor maintenance probably to about 2s. 6d. per head per week, and of outdoor relief to about 1s. 6d. per week, indicates a considerable advance in generosity, or, if that view is preferred, relapse into laxity.

Among the paupers there were thousands of insane persons, in whom the Poor Law Board took no particular interest, allowing Guardians to care for them according to their own judgment. There were 11,996 in county and private lunatic asylums, 4,107 received out-relief, 6,053 were housed in the workhouses mingled with the other inmates, much to the discomfort of the latter. In later years, as the Lunacy Commissioners forced humarer treatment of lunatics in the asylums, thereby increasing the cost, the absolute and relative numbers maintained in workhouses increased; in 1870 the number was 11,243.

Of the 100,327 Indoor Poor, 15,964 (5,113 men and 10,851 women) were classed as adult able-bodied; of the 715,470 on out-relief, 27,875 men and 83,973 women were so classed. The fact that the number of

\* Nicholls, *op. cit.*, p. 450. The numbers given are the mean of the totals on January 1st and July 1st.

† *Ibid.*, p. 375.

adult able-bodied men on out-relief was still five times as great as of those in workhouses is a striking commentary on the fact that the 1834 Act, as originally introduced, had provided that relief to able-bodied adult males should be abolished in two years, and though in the Act the date was left open, it was still expected that the Commissioners would be able to complete the task within their five years' term. In workhouses there were 94,264 children and aged and sick, other than lunatics; on out-relief, 599,515.

To attend to the various needs of the pauper population, then numbering about a million, the following staff was employed in 1850:

<i>Description</i>	<i>Number</i>	<i>Average Annual</i>
		<i>Salary</i>
Medical Officers .. .. .. ..	3,156	50
Chaplains .. .. .. ..	466	47
Labour Superintendents .. .. .. ..	69	39
Masters and Matrons .. .. .. ..	1,359	37
Schoolmasters .. .. .. ..	383	31
Schoolmistresses .. .. .. ..	501	21
Porters .. .. .. ..	442	18
Nurses .. .. .. ..	248	14

in addition to clerks, rate collectors, auditors, relieving officers, treasurers, and other administrative officers, who received £281,804 in salaries, besides an unspecified sum in commissions, as against £266,886 to those specified above.\*

The fact that the average expenditure per Union on salaries for nurses was under £6 per annum throws sufficient light upon the nature of the attention given to the infants and young children and to the feeble, the sick, and the insane in workhouses. The matrons had to do their best with what help they could enlist from women inmates, a task calculated to break the hearts of those who were naturally humane and conscientious, or to make them callous. We learn from subsequent inquiries that some matrons employed feeble-minded women as their assistants, perhaps finding them more amenable; others induced willingness to serve by treating their helpers to tots of spirits. Throughout its history the Poor Law Board does not seem to have felt any solicitude for these destitute people who had passed the Workhouse Test.

For the assistance of the sick poor outside the workhouses, there were medical officers whose conditions of employment had to be

\* Nicholls, op. cit., p. 438.

regulated by the central authority. Those who asked for medical aid had to go first to the Relieving Officer, who only allowed the doctor to be called in when, according to his superior judgment, the patient might not recover otherwise. The three Commissioners at the outset recommended that the post of Medical Officer should be tendered for, and that the cheapest applicant whom the Guardians considered a qualified man\* should be appointed. In one case known to the present writer, a medical student fresh from a London hospital offered to supply advice and medicine for one year for a farthing, and in that year, by assiduous attention to his patients, laid the foundation of a remunerative practice. Local doctors naturally resented such intrusion into their areas, and the Commissioners were compelled to reverse their policy, though the cost of medical relief was increased in consequence.†

Children in workhouses had to be educated as well as kept alive, and to this necessity the central authority was alive, though not as a rule the Boards of Guardians. Hence we have the employment of 383 schoolmasters at £31 per annum and 501 schoolmistresses at £21 by 604 Boards in 1850, and one at least of the Board's inspectors habitually complained if he came upon cases of "gross inefficiency, cruelty, and immorality" among schoolmasters, and recommended the dismissal of such persons.‡ Nicholls, when he became Secretary to the Poor Law Board, prepared the way for steady advance in the efficiency of workhouse schools, by arranging that they should be inspected by the Education Department, then in its infancy. But this arrangement was abrogated after he retired.

Not all workhouse schools were bad. It was specially noted that the Atcham Board, regarded by the Central Department as a model one on account of the strenuous manner in which it combated pauperism by refusing out-relief, when first constituted in 1836 advertised for a schoolmaster, and getting no applications from anyone with previous experience, appointed a "practical agriculturist of good moral character," who taught the children gardening, knitting, and straw plaiting, as well as reading and writing, and punished the lazy by making them stop working and watch the others. It was found that his boys did well and were in request among employers. A few other schools were run on similar lines.

\* The Medical Register did not come into existence until 1858; qualifications then recognized varied from mere apprenticeship to the M.D. of Edinburgh University.

† Nicholls, *op. cit.*, p. 391.

‡ E. C. Tufnell, 20th Report of the Poor Law Board, p. 129.

For the first ten years after 1834 there was a special law for London children. In 1761, Jonas Hanway, known as "Chinese Hanway," the first man who ever dared in London streets to put up an umbrella against the rain, had secured the passing of an Act compelling the removal of children from London workhouses, where their mortality had been appalling, to places distant at least three miles from the nearest part of the cities of London and Westminster. The Poor Law Commissioners secured the repeal of this Act in 1844, but the Unions continued to "farm out" the children, paying about 6d. per head per day to contractors who undertook to house, feed, clothe, and educate them. Among these contractors were two who did business on a large scale, with about a thousand children each, one at Norwood, the other at Tooting. The Norwood establishment had been so well reported on by Dr. Kay (afterwards Sir J. Kay-Shuttleworth), then an Assistant Commissioner, that the Commissioners secured a Government grant of £500 for the proprietor to enable him to improve the ventilation and teaching. But in 1849 there was an outbreak of cholera in this establishment, and *The Times* published reports of the inquests on the children who died. The Poor Law Board was quickly given the power to inspect and regulate such establishments, and later it induced London Boards of Guardians to dispense with contractors and combine in "School Districts" to establish what were commonly called "Barrack Schools." Of these the one at Sutton, which in November 1894 housed 1,076 boys, 101 girls, and 364 infants, was the largest and best known.

Up to the end of the century these District Schools were strongly favoured by the central authority, but it never had much success in getting the London example imitated elsewhere, and retention of children in workhouses remained the general rule, except for orphans of Roman Catholic, Jewish, or Wesleyan parentage, for whom residential schools were organized by the respective denominations, and Boards of Guardians being authorized by the Certified Schools Act of 1862 to send children to them on payment of small fees.

A very few Boards showed a disposition to experiment with the Scottish system of boarding out children in poor but respectable homes where motherly women were prepared to bring them up like their own, which, from the children's point of view, was almost infinitely preferable to the English methods. But it was hard to reconcile such a practice with the sacred principle of "Less Eligibility," and the Poor Law Board would give it no encouragement. It was hardly

possible to offer less than 6d. per head per day to the foster parents, and seeing that in 1850 Sir James Caird, after full inquiry, estimated the average wage for agricultural labourers over the whole country at 8s. 5d. per week,\* it is clear that the great majority of their children had to be maintained on much less than 3s. 6d. per head per week. Much more than that might be—indeed had to be—spent on children in barrack schools, but no one imagined that *their* lot was eligible. Moderately satisfactory compromises between the two systems were the Sheffield “Scattered Home” system, under which the children were housed in groups under paid housekeepers, and went to the public elementary schools, and the “Cottage Homes” system, in which they were housed in what were in effect little colonies of pauper children, the most expensive system of all, but good for physical health.

Boards of Guardians had other duties, in addition to those relating to the Poor Law, imposed on them as the local authorities which most completely covered the whole area. The first of these was the registration of births, deaths, and marriages, under the Act of 1836, which was amended in 1839 to cover also record of the cause of death. In 1840 Guardians were required to appoint public vaccinators, and to pay them in proportion to the number of successful vaccinations; in 1841 vaccination was made free, the cost falling on the poor rates; in 1853 it was made compulsory, and the duty of prosecuting offenders was imposed on the Guardians. Further, the first legislative result of the Public Health agitation initiated by Chadwick was the Nuisances Removal Act of 1846, which imposed the sanitary duties indicated by its title on Boards of Guardians.

This summary shows to what extent the protection of the health of the people, the treatment of disease, the care of the sick and of young children, was entrusted to the Poor Law authorities. It is therefore a significant fact that not until 1865 was there a single medical man employed in the offices of the Department which controlled all this work, nor any woman of higher status than that of a charwoman, throughout the combined periods of the Poor Law Board and of its successor, the Local Government Board, up to 1885.

#### HUMANIZING THE POOR LAW

The fight against the Poor Law principles of 1834 which had been waged so vigorously by the Chartist, and carried on by Disraeli and

\* There was no marked improvement in real wages up to the time of Joseph Arch's campaign for agricultural trade unions in 1872.

Dickens, was renewed in 1853 in a very different manner, and with a new line of approach. In that year Miss Louisa Twining, daughter of an Anglican clergyman, district visitor in the neighbourhood of the Strand, began to go to the Strand workhouse to visit an old friend who had been moved into it. It contained five hundred inmates of both sexes and all ages. The matron was the only woman on the staff; she did her best in the impossible task of giving proper care to the infants, the young children, and the sick. Miss Twining offered to organize voluntary help, and asked the Guardians to sanction lady visitors: they refused. She applied to the Poor Law Board: it declared that such visits would be subversive of workhouse discipline. Soon afterwards the master and matron retired, and the Strand Board selected the most brutal of the porters and his equally brutal wife to succeed them, and a reign of terror began. Miss Twining appealed to *The Times*; Dr. Bence Jones inspected the St. Pancras Workhouse, and reported it to be "horrible," and in 1857 Lord Raynham moved in the House of Commons for a Select Committee to inquire into the allegations. But the President of the Poor Law Board assured the House that everything in workhouses was quite satisfactory, and it accepted the assurance.

Thus foiled a second time, Miss Twining brought up the subject of workhouse administration before the first meeting of the Social Science Association held in Birmingham later in the same year, and got enough support for the formation of the "Central Society for the Promotion of Workhouse Visiting." In 1861 Lord Raynham got his Committee, and the Certified Schools Act of 1862, mentioned above, was its outcome. The Poor Law Board grudgingly gave way on the visiting issue, and authorized visits, but only if sanctioned by the Guardians and the Chaplain, a provision which must have shielded the worst cases from exposure.

Then, in 1864, potent auxiliaries to the cause of reform appeared. The Lancashire cotton famine produced an outbreak of typhus, which raged in some of the workhouses of Liverpool. William Rathbone startled the Board by offering to provide a staff of nurses at his own expense and maintain them for three years. The offer could hardly be refused, and in 1865 Agnes Jones, with twelve trained nurses and eighteen probationers as her assistants, took charge of the nursing of the male wards, while fifty-four paupers, deemed to be habitual drunkards, were liberated from that service. The work continued, though Agnes Jones herself died of typhus in 1868.

Typhus was reinforced by cholera. That still more dreaded disease appeared in London in 1865 on its fourth visit—the previous one, that of 1853–54, having caused 11,621 deaths in the metropolitan district. Would the workhouses be centres of infection? Playing on this fear, *The Times* published full reports of inquests on deaths of paupers due to inhumanity and neglect; and Thomas Wakley, proprietor and editor of the *Lancet*, commissioned three medical men to write reports on the sanitary condition of all the London workhouses. In 1866 Gathorne Hardy, afterwards Earl of Cranbrook, became President of the Board. He declared in the House of Commons, “We must peremptorily insist on the treatment of the sick in workhouses being conducted on a different system.” So far as London was concerned, the system was altered immediately, by the Metropolitan Poor Act of 1867, which created a new authority, the Metropolitan Asylums Board, financed by a general rate levelled over the whole area to form the Common Poor Fund, in order to maintain hospitals and asylums. Boards of Guardians were, in effect, bribed to make the fullest possible use of the new institutions, since, by transferring their sick poor to them, they shifted the cost from the ratepayers of their own Unions to those of all London. Elsewhere the inspectors tried to persuade Guardians to form similar joint bodies for the building and maintenance of infirmaries, but with scant success. But everywhere the pressure of their rate-paying electorates on Boards of Guardians was changing its character under the influence of rapidly increasing wealth due to expanding commerce and industry, the increase, with higher wages and rents, of the numbers of working men and women electors, more diffused education, and fuller recognition of the importance of health and the perils of infectious diseases. Voters less and less demanded economy, and more and more asked for humanity and efficiency; and there was steady improvement in workhouse sick wards, while the infirmaries, as places for remedial care, advanced beyond the average standard of the voluntary hospitals in the previous century.

A parallel change was taking place at the same time in respect to the education of children on out-relief. The three Commissioners forbade the payment out of the rates of school fees on their behalf as a breach of the principle of “Less Eligibility,” since the lowest-paid independent labourers could not afford to send their children to school. The Poor Law Board was of like mind. When in 1855 “Denison’s Act” was passed, authorizing Guardians to make the payments,

the Board discouraged them from availing themselves of this power so effectively that the Royal Commission on Education of 1860–61 reported that the children on out-relief were in general “in a condition almost as degraded as that of indoor pauper children.” But after the extension of the franchise by the second Reform Act of 1867, and the passing of the Education Act of 1870, it was enacted in 1873 that grants of out-relief to parents on account of their children must be made conditional on the children attending public elementary schools from the age of five to thirteen. There was much evasion of this law in rural districts, not entirely without excuse when one considers the exclusively urban bent and low average quality of the teaching provided.

#### THE LOCAL GOVERNMENT BOARD (1871–1919) AND THE POOR LAW COMMISSION OF 1905–9

In 1871 the Poor Law Board was nominally abolished in order to be re-established with extended powers as the Local Government Board. The cause of this change is to be found, not in Poor Law, but in Public Health history. Chadwick’s “General Board of Health,” established in 1848, became generally unpopular, and the mark of the determined hostility of various vested interests, with the result that it was abolished in 1854, central control was weakened and divided, the most important of the remaining duties being vested in a sub-office of the Education Department, and carried out admirably by Dr. (afterwards Sir) John Simon, as “Medical Officer of Her Majesty’s Privy Council.” The growing concern for public health, which had produced the changes noted above in the treatment of the sick in workhouses, also led to the appointment of the Royal Sanitary Commission of 1869–71.\* It recommended, in addition to the mapping out of the whole country in sanitary districts, each with its local sanitary authority, the creation of a new Central Department, in which the office of Chief Medical Officer to the Privy Council should be continued, to which also all the other sanitary powers and duties divided between various State departments should be transferred.

It was presumably with the intention of carrying out this recommendation in principle that the Local Government Board was established to take over the functions of the Poor Law Board and most of the health functions specified by the Commission, but the result was disastrous from the public health point of view. In his new office

\* See pp. 164–6, ante.

Sir John Simon was granted no direct access to the President of the Board; he was not allowed to give any unsolicited advice, or to initiate any action. He was required, in fact, like Victorian children, to "speak when he was spoken to, do as he was told." He struggled and protested in vain for five years, then threw up his office in disgust.\*

From 1871 to 1882 the control of the new Central Department was exercised by its Permanent Secretary, John Lambert,† a bureaucrat of the opposite type to the sinecurists who had held corresponding office since 1848. On the one hand he insisted that the President should receive advice from one only, himself namely, of the Board's officers; on the other, having been himself a Poor Law Board inspector, he saw to it that the advice that reached the President was that of Poor Law officialdom. When he retired in 1882 he was succeeded by Hugh Owen the younger, grandson of Hugh Owen the elder, who had entered the Department in 1849 as a boy clerk at the age of fourteen, and had worked in it ever since. Under this leadership the spirit of the administration altered in one respect only. The Department, having, as it were by accident, had a great increase of importance thrust upon it, rapidly developed that craving for ever greater power and more extended control over the national life which is the *libido*, the *élan vitale* of governmental departments generally.

Under the influence of this spirit the Department tightened up its internal discipline, and then, in 1879, secured complete control of the audit, not only of the expenditure of Boards of Guardians, but also of the new local sanitary authorities created by the Public Health Act of 1875, and, later, of the county councils. In Poor Law administration it entered upon a renewed effort to reduce out-relief to a minimum, and to compel the greatest possible proportion of recipients of public charity to enter the workhouses, not with the old aim of cutting down the total cost, as is shown by the fact that it was simultaneously pressing for increased expenditure on indoor maintenance, but, one can hardly doubt, because that was the side of relief work which could most effectively be controlled and inspected.

But countervailing forces operated from the side of the electorate both upon Boards of Guardians and upon Parliament. The franchise was again extended in 1885, and this time so effectively that working men found themselves in possession of the majority of Parliamentary votes. Under the influence of the teaching of Henry George's *Progress and Poverty* and Karl Marx's *Das Kapital*, diffused by their English

\* Simon, *English Sanitary Institutions*, pp. 354-59. † Webb, op. cit., pp. 200-1.

disciples, the Labour Movement entered afresh into politics. The Feminist Movement was also growing, with even more immediate effect on Poor Law administration.

In 1892 H. H. Fowler, as President of the Local Government Board, took the bit in his teeth, and reduced the maximum property qualification for Guardians to £5. In 1894 the property qualification was abolished altogether, as part of the sweeping reform of local government carried out by the Act of that year, and plural voting was replaced by a democratic franchise, which gave votes to all householders, men and women, and to men lodgers. These changes brought women and working men on to the Boards of Guardians in continually larger numbers.

The question whether women could serve was first raised in 1850. The Poor Law Board, when consulted, could not assert that there was any legal bar, but gave it as its opinion that "the objections to the appointment of a female" were so obvious that election was hardly conceivable, and it was not until 1875 that "a female" was actually elected. But in spite of the comparative paucity of possible candidates, there was already before 1894 a strong movement for the election of women Guardians, which received support even from many who considered that the place of women was in the home. The presence of women on the Boards soon made itself felt. Workhouse matrons, confident from experience of their ability to throw dust in the eyes of men, dreaded the prying of inquisitive and interfering ladies practised in the art of detecting domestic lapses. In one large town, according to local rumour, the first women elected discovered immediately that the matron, in order to economize labour in mending children's stockings, cut them off at the ankles, so that while appearing to be properly clad the children actually had bare feet inside their ill-fitting boots. After 1894 the number of women Guardians rushed up; in 1895 there were already 839,\* and later they continued to increase.

It was then, also, that the first working-men Guardians were elected. As long as they formed only insignificant minorities, their service was chiefly effective in being a means of making the local public more fully aware of what was done on the Boards, and it had much less immediate effect on the administration than that of women Guardians. Later on their instinctive hostility to the principle of "Less Eligibility" had notable effects. The extension of the franchise in 1885 had also had immediate effects in the freeing of elementary

\* Webb, S. and B., op. cit., p. 234.

education, and in attempts at finding other ways than the "offer of the house" for dealing with unemployed men.

The Feminist Movement brought about the appointment in 1894 of a Departmental Committee on Metropolitan Poor Law schools. The great barrack school, the special pride of the Poor Law Board, whose scholars got no holidays and very little recreation by means of outdoor games or indoor amusements, and whose resistance was lowered by depressed spirits and low vitality, were rife with ophthalmia and specially liable to outbreaks of infectious disease, introduced by newcomers from homes in the slums. In 1873 J. J. Stansfeld, the first President of the Local Government Board, had appointed its first woman inspector in Mrs. Nassau Senior, and had asked her to report on them. She roundly condemned them, especially for girls, as a peculiarly unsuitable method of training the young for the ordinary business of life. But Stansfeld gave up office in 1874, and nothing further had been done. In 1890 twenty-six children lost their lives in a fire in Forest Gate School, and in 1894 a nurse in Brentwood School was sentenced to penal servitude for cruelty to the children.

The Departmental Committee, a fully representative one, condemned the barrack schools unreservedly, and recommended the boarding-out system. Local Government Board officialdom was indignant, but even its warmest friend, Sir W. Chance, had to admit that barrack schools were bad. If the Local Government Board had been left to itself, probably there would have been no change, but the "State Children's Association," organized by Dame Henrietta Barnett, gave it no rest; the great Sutton establishment disappeared in 1899, and London Unions generally adopted the Cottage Home system. They did not as a rule take kindly to boarding out, which would have implied placing the children in distant homes where they could not keep them under observation.

After the conclusion of the South African War, with its revelation of the very poor average physique of the men who offered themselves for enlistment, an Inter-departmental Committee on Physical Deterioration was appointed in 1903.\* It is significant that it contained representatives of the Education Department, but not of the Local Government Board, the department specially entrusted with the care of the health of the children. Apparently the Ministry that chose the personnel of the Committee did not suppose that its staff took any interest in the subject to be investigated. If so, its scepticism was

\* See p. 168, ante.

amply justified by the evidence extracted from the officer in charge of the Public Health division.\* The Board's Medical Officer had as yet been able to make only the slightest impression on the self-sufficiency and indifference of the Secretariate. As a result of the Committee's findings, the Education Department extended the scope of its activities to care for the physical well-being of children, overlapping the Local Government Board.

The South African War was followed, as is usual with wars, by a brief boom in trade, followed by a longer period of depression, with increase of unemployment. The trade union percentage of unemployed members rose from 2·0 per cent in 1899 to 6·0 per cent in 1904, and among the unskilled labourers in the East End of London the proportion of unemployed was very high. In these circumstances the Poplar Board of Guardians, on which the Labour Party, though in a minority, was strong enough to be effective, gave out-relief freely, an action which was still within the scope of their legal powers, but which was viewed with indignation and alarm by Local Government Board officials. Between these national guardians of the principles of 1834 and the Poplar Guardians of the Poor there had been a number of conflicts on other matters of Poor Law administration, on which the Poplar leaders, George Lansbury and Will Crooks, had frequently been able to secure a sympathetic hearing from the Conservative Presidents of the Board. But now a fundamental issue was raised, since for thirty years the Poor Law inspectors had been carrying on an unceasing campaign against out-relief to any class of applicant, not merely to able-bodied men.

The increase in Poplar rates produced protests from the richer ratepayers, with allegations of extravagance and suspected corruption. A public inquiry was instituted, and Mr. (afterwards Sir) J. S. Davy, then Assistant Secretary to the Board, a fierce opponent of out-relief, was chosen to conduct it. Some dubious proceedings were discovered, and made the most of by the Press as the most interesting sensation of the moment, but the hope entertained in some quarters of a reflection on the characters of Crooks and Lansbury was disappointed.

Quickly the broad issue between the official policy of deterrence and the rising force of democracy was brought before a higher court, through the appointment, in December 1905, of the Poor Law Commission. Among the Commissioners both sides were represented; on one side there were the official chiefs of the Local Government Boards

\* Report and Minutes of Evidence, or Slater, *Poverty and the State*, pp. 169–76.

of England, Scotland, and Ireland, and the Chief Medical Inspector of the English Board, supported by four leading members of the Charity Organization Society, which waged war equally against the grant of out-relief by Guardians and of indiscriminate charity by private individuals. On the other was George Lansbury, and Francis Chandler, added by an afterthought to represent trade unionism. Of the other members, some were experienced in local Poor Law work, others represented the Church of England, and Charles Booth came on as the pioneer in accurate social investigation with Mrs. Sidney Webb, who, as Beatrice Potter, had been his most distinguished assistant.

Charles Booth was soon compelled by reasons of health to retire; Mrs. Webb, whose sympathies were divided, spared no effort to make the inquiry a thorough one. Before the sittings began she learnt from Davy, who was still Assistant Secretary, but at the point of becoming Chief Inspector to the Board, that the work of the Commission had already been planned for it. The Commissioners were to listen to evidence from witnesses officially selected for it, and were to recommend drastic changes in the machinery of relief designed to secure the rigid enforcement of the principles propounded by their predecessors of seventy years before.

When the sittings began, the Chief Inspector himself put the official view before the Commission. It was to the effect that from the very time that the Department had begun to be represented in Parliament the Presidents of the Board had shown a tendency, in deference to the wishes of members, to allow encroachments on the principle of Deterrence; and of late the evil had increased enormously. As examples of such deplorable weakness he evidenced the following:

(1) In 1886 Joseph Chamberlain issued a circular recommending municipal councils to endeavour to find work for unemployed men in times of crisis instead of leaving them to the Guardians and the "offer of the House."

(2) In 1891 Guardians were recommended to supply books in the workhouses, and toys for children.

(3) In 1892 they were permitted to supply tobacco in strict moderation to aged men, snuff to aged women, and coffee or cocoa to both.

(4) In 1893 Ladies' Committees were allowed to visit workhouses, and Guardians to inspect, in their individual capacity, the workhouses for which they were responsible.

(5) In 1897 Guardians were instructed to appoint paid nurses in infirmaries.

(6) In 1900 Henry Chaplin issued a circular recommending that out-relief should be allowed to aged persons of good character.

Davy only hinted at his own proposals for reversing this process of deterioration. He said: \* "The fact that the President of the Local Government Board changes with the Cabinet is not conducive to continuity of administration." As the position of the President would be an impossible one if he were a member of the Parliamentary opposition, this implied that the President should not be a Member of Parliament at all, but a permanent official—in other words, that there should be a reversion to the 1834–47 plan of the rule of the "Three Bashaws," but with one "Bashaw" only, instead of three. The Commissioners did not ask him, as he had probably hoped, to expound his ideas more fully. One can imagine that it came as a shock to them to discover that the Chief Inspector wanted to deprive the worn-out agricultural labourer who from childhood had toiled early and late to feed others, receiving but poor and scanty rations himself till he ended his days in the workhouse, of the occasional pipe of tobacco which was the one pleasure left to him.

After this revelation the Commission resolved to make an independent examination into the facts. An enormous mass of evidence was collected, from which it is possible to draw the following main conclusions:

(1) The principle of "Less Eligibility" had largely broken down in practice; it could not be enforced by means of democratically elected local authorities.

(2) Where it had been enforced, the results had not been in harmony with expectations; e.g. the result of the refusal of out-relief where it was most the rule, as in many of the London Unions, was not to drive the applicants who did not enter the workhouses to find employment some way or other, but rather to loaf and cadge for charity from the benevolent who sympathized with their aversion from the "House."

(3) A special investigation of the condition of the women and children of men refused out-relief showed that they were suffering far more in health and strength than had been imagined by those who had refused it.

(4) Though much improvement had been effected in the conditions of existence in workhouses, there still remained some serious evils. It was, for instance, a shock to discover that in many of the London

workhouses the infants were never taken out into the open air, but remained all day and night in the same nurseries.

(5) Poor Law administration had ceased to be a separate and distinct field of national service. In the care of the sick it overlapped with that of the sanitary authorities; in the care of poor children with the educational authorities; in providing for the unemployed, with the municipalities. A similar clash in the field of education between the School Boards and the county and county borough councils had already caused the abolition of the former. How about Boards of Guardians?

The Commission produced two elaborate reports; they agreed in recommending that the Boards of Guardians should be abolished, and that the object to be aimed at in devising an alternative system of administration must not be a return to the deterrent principles of 1834, but a further strengthening of the provision for maintaining the well-being of the population—not the minimum expenditure on the relief of destitution, but the maximum prevention of destitution and mitigation of the causes of poverty. But the two reports were at variance on their constructive proposals for the attainment of this end, and no action followed on the lines of either report until 1929.

This was partly because John Burns, who became President of the Board in 1906, after the Liberal victory in the General Election, took much less interest in the Board's Poor Law Division than in its Public Health Division. In the latter he effected valuable reforms, giving the Chief Medical Officer the status which had been denied him ever since 1871. Then through the efforts of Sir Arthur Newsholme and Sir George Newman the slackness and indifference of the Board in matters of health was at last dissipated, with remarkable results, one being the halving of the infantile death rate. In 1919 the Local Government Board was superseded by the Ministry of Health, created to unify all departments of the Central Government concerned with health services, which also took over Poor Law administration. While the Liberal Government refrained from attempting to amend the Poor Law, it dealt with the situation by the more popular method of creating new public provision for the social services hitherto left to the Poor Law, such as the grant of Old Age Pensions in 1909, the National Insurance Act of 1911, and the Lunacy Act of 1913. These measures tended to make Boards of Guardians and their workhouses still more appear to be obsolescent and discredited institutions.

**POST-WAR UNEMPLOYMENT AND THE RECRU-  
DESCENCE OF ABLE-BODIED PAUPERISM**

Under the Old Poor Law it was the duty of parochial officers to "set on work" the unemployed poor. This did not mean employing them, but giving them the means of self-employment, as by the provision of wool, flax, or other raw material. As the national economy became in the eighteenth century more dependent on division of labour and the use of machinery, instead of on peasant agriculture and handicraft, this resource became less frequently available, and the parishes were obliged to seek other methods of providing employment, but had little success. The administrators of the New Poor Law recognized that the unemployed must not be allowed to starve, but were equally clear that they must not be maintained in idleness and freedom. Task work must be provided, and this, especially for those who could not conveniently be domiciled in the workhouse, must be repellent—something monotonous and disagreeable, that anybody could do and everybody hated doing, like stone-breaking and oakum-picking.

The first public confession that this might be unfair and uneconomic was made during the Lancashire Cotton Famine of 1864, when an attempt was made to organize useful employment for the cotton operatives thrown out of work. The same policy was adopted by Joseph Chamberlain during the industrial depression of 1884–86, which sent up the trade union percentage of unemployed to 10·2, in his circular urging municipalities to try to find useful work for unemployed men during such crises; and yet again by Walter Long (afterwards Viscount Long) in a more elaborate fashion in 1904, after the South African War. He induced the metropolitan borough councils to form, jointly with the Boards of Guardians, Distress Committees, which should register the men who declared themselves unemployed, and both endeavour themselves to provide useful employment and seek for it from other possible employers. By election from these Distress Committees and the London County Council a Central Unemployed Committee for London was constituted, which Long provided with funds from voluntary contributors. Work was found by the London County Council for many men during the winter in London parks, and, by the generosity of Joseph Fels, a farm colony was established at Hollesley Bay. Long was so far satisfied with the results of these experimental efforts that he drafted the Unem-

ployed Workmen Act which was passed in 1905, authorizing similar action by municipalities generally. A brief temporary trade revival took place next year, and the work-finding schemes were dropped, nor were they revived when the next slump came. The establishment of Labour Exchanges was the one permanent result of Long's efforts.

The whole problem of crises of unemployment—then attributed to the “Trade Cycle”—was reviewed by the Poor Law Commission, and a separate report on the subject was issued by the Minority. Majority and Minority agreed that the Unemployed Workmen's Act was a failure, and on wrong lines; both seem to have ignored the fact that the policy of providing work in crises of unemployment (called in India “famines”) is carried out with great success by the Indian Civil Service, and neither section inquired into the conditions which determine success or failure. They were agreed that the best means of combating distress from unemployment tried in England up to date was the Out-of-Work Benefit of trade unions, and they accordingly recommended that the extension of such insurance against unemployment by voluntary associations of manual workers should be encouraged by State assistance, as by refunding to the associations a definite proportion of the sums actually distributed as out-of-work pay, leaving the management entirely free, except for the audit of the accounts. In view of later experience it may well be regretted that this advice was not adopted.

In 1911 Lloyd George introduced the principle of Unemployment Insurance into the Statute Book by Part II of the National Insurance Act. This made insurance compulsory on all workers engaged in certain specified industries, and so imposed a moral obligation on the State to secure the payment of the promised benefits even if the funds raised by the contributions of workers and employers, together with the prescribed subvention from the State, proved insufficient. In 1920 the scope of this compulsory insurance was so widened as to include, at the present time, some twelve million persons, and simultaneously the great post-war slump in trade threw the finances of the fund into disorder.

From August 1914 to April 1920 the country experienced five and a half years of urgent demand for labour power and currency inflation, with the normal consequences of credit inflation, rising wholesale and retail prices, wages, rents, and other fixed charges, *in that order*. From April 1920 till 1933 it had the reverse experience of thirteen

years of currency deflation\* and slack demand for labour, consequent partly on the cessation of war demands, partly through the increased mechanization and "rationalization" of industry, not balanced by any corresponding expansion of foreign markets. Again the normal consequences followed, falling wholesale prices, then in succession, in each case after a time lag, falling retail prices and falling wages, and, at long last, falling rents and fixed charges. Falling wholesale prices, without any corresponding fall in fixed charges, reduced employers' ability to pay wages, but in the absence of a corresponding fall in retail prices and rents, did not reduce in proportion the cost of living, nor diminish in the slightest degree the objections of trade unions to cuts in wage-rates, and trade unions had reached in 1920 their maximum strength in numbers and fighting power.† In 1919 strikes for higher wages caused a loss of 35,000,000 working days; in 1921 strikes against reductions caused a hitherto unparalleled loss of 85,872,000 days; this record again being eclipsed in 1926, the year of the General Strike, when it mounted to 162,233,000 working days lost. The trade union percentage of unemployment in 1920 was 2·4; in 1921 17·0 per cent of the insured were out of work, so sharp and sudden was the brake put on by the financial measures which not only balanced the Budget in 1920–21, but created an enormous surplus, combined with restrictions of currency and credit designed to restore the £1 sterling to its pre-war gold value.

In spite of gratuities to demobilized officers and men and the great increase in the numbers of workers entitled to out-of-work benefit, the slump of 1921 caused a rush of unemployed men to the relieving officers with demands for out-relief, largely animated by the feeling that it was the business of the State which had landed them in their difficulties to see them through to the enjoyment of the fruits of victory. The number of persons receiving out-relief at the end of March 1920 in England and Wales was 302,278; two years later 1,248,018. Even this fourfold increase is less striking than the eightfold increase in London, from 23,352 in 1920 to 185,889 in 1922. Wherever unemployment was specially rife, there was a tendency among Guardians to approximate their treatment of those who applied

\* Currency deflation did not cease when the country "went off gold," since the amount of legal tender currency in circulation continued to contract, and the purchasing power of £1 sterling in the wholesale market continued to increase.

† At the end of 1920 the membership was 8,339,000, as compared with 2,565,000 in 1910, and 4,825,000 in 1930.

to them for help to that secured by insured men and women when out of work.

In London, for reasons indicated above, up to and during the war the relief granted was mainly institutional; from 1914 to 1919 the numbers receiving indoor (institutional) relief being 70 per cent of the total (against 40 per cent for the country as a whole) and those on out-relief only 30 per cent, to which Poplar, in spite of its poverty and relatively low rateable value, contributed largely. In 1921 the Poplar Board not only continued its policy of granting out-relief freely, but also raised its scale to such an extent that it might very well happen that a man with a large family was better off when unemployed and a pauper than in work; the number of cases to be considered was too great for proper investigation, and the Union was quickly sliding into bankruptcy. The Government dared not face the consequences if this should happen, and in October an Act was hurriedly rushed through Parliament throwing the cost of out-relief on to the Common Poor Fund. Naturally other poor districts followed the Poplar example. In 1922 the London percentage of the numbers receiving out-relief was 78·0, against 27·7 in 1918 and 32·4 in 1920—but even then it was less than that for the country as a whole (85·2).

The strikes of 1921 failed, and employment improved in 1922–24, with the result that at the end of March 1925 the numbers on domiciliary relief were reduced to 884,486. But then the restoration of the Gold Standard, the goal of so much effort, was achieved, and brought about a fresh slump in trade, more reductions of wages, and a fresh outbreak of social strife, the organized workers now feeling that they had the Government to fight as well as the employers. On May 4, 1926, the General Strike began; after eight days the Trade Union Council called it off, either because they considered defeat certain or because they dreaded victory even more. The Ministry of Health quickly armed itself with fresh powers to combat the recrudescence of able-bodied pauperism which its Poor Law Division had been watching with helpless dismay. The Board of Guardians Default Act of 1926 empowered the Minister to supersede any Board which in his opinion could not or would not discharge its duties satisfactorily, and entrust them instead to a nominee of his own. Three Boards, those of West Ham, Chester-le-Street in Durham, and Bedwelly in South Wales, were so superseded. In the next session also the powers of audit and surcharge were strengthened. They were used to penalize local authorities which paid higher wages or otherwise spent money more freely

than the auditor considered advisable. These measures did not tend to produce harmonious co-operation between the centre and the localities.

#### THE ACT OF 1929 AND AFTER

In 1928 it had become clear to dispassionate observers that nothing less than a new and complete reconstruction of the machinery of public assistance was urgently needed, and there was in existence a scheme for this purpose which had been waiting for the moment when public opinion would become ready to accept it.

At the height of the war the Government had visualized the need of planning beforehand for the problems of the future, and had appointed a number of Reconstruction Committees, which in their turn appointed Sub-Committees. That for Poor Law had Sir Donald Maclean as Chairman, and among its members were Lord George Hamilton, the Chairman of the Commission of 1905-9, with Sir Samuel Provis and Mrs. Sidney Webb, representing its Majority and Minority respectively. The Sub-Committee drafted proposals based on the recommendations common to the Commission's two reports, and adopted them unanimously. Mr. Neville Chamberlain (Minister of Health, 1924-29) secured the passing of a resolution of approval of these proposals from the House of Commons in 1925, but they then received a chilly welcome from the local authorities concerned. In 1928 he had his opportunity. One great composite measure was introduced at the end of that year. It consisted of eight parts, of which that dealing with Poor Law Reform was the first, but that altering the financial arrangements between the Central Government and local authorities the one that attracted most controversy, while the part dealing with the complete de-rating of agricultural land and the partial de-rating of industrial premises received the greatest amount of interested support. This measure passed as the Local Government Act, 1929.

In one respect the reform thus effected was a further development of that carried out by the Act of 1834. As then the parish had become too small a unit of area, so now had the Union, and it was superseded by the county or county borough, the duties and assets of Boards of Guardians being transferred to the councils. These act through Public Assistance Committees of their own members, with co-opted members, including women, to the extent of not more than one-third of the total number.

There are county boroughs in which the Act brings about no appreciable difference in the administration. Indoor Relief, Outdoor Relief, the Workhouse, the Infirmary are now renamed respectively Institutional and Domiciliary Relief, the Institution, and the Hospital, but this change has only a psychological significance. The leading men on the Boards of Guardians continue their voluntary service as members of the new Council Committees, and, of course, the staffs are taken over. The Act gives no new powers, but only the opportunity for co-ordinating what is done under the Poor Law with the other forms of public assistance controlled by the councils, with regard to education, maternity and infant care, sickness and lunacy, with a hope of greater economy and efficiency.

The case is different with counties and great cities comprising a number of Unions, especially where there has been much divergence in the principles on which relief has been granted. In these cases Guardians Committees for different areas take the place of Boards of Guardians in dealing with applications for relief, and as they are nominated by the Public Assistance Committee, and work under its instructions, with the assistance of its officers, the administration of relief throughout the county or county borough is made fairly uniform and brought into harmony with the sentiments of the county majority. This may result in more cordial co-operation between the Central and the Local Poor Law authority; but if not, the local authority will be better placed for making its wishes prevail.

It is in London, where now Poplar lies down with Kensington, and Bermondsey with Hampstead, that the social importance of the change is greatest. Also there are special provisions for London, of which the chief are that the London County Council takes over the duties and assets of the Metropolitan Asylums Board, and that it is empowered to entrust any part of its new duties to committees other than its Public Assistance Committee. It will thus be able to review and reorganize its whole system of administration to suit the new conditions.

In May 1929, before the Local Government Act had come into force, the Government that had passed it was defeated in the General Election, and the Labour Party came into office. Almost immediately afterwards the blight of the world slump reached Great Britain, and the numbers of the unemployed were already beginning to increase when the Public Assistance Committees took up their duties. For two years, thanks to financial assistance given by the Government to local

efforts to provide additional employment, and additional Treasury subventions to the Unemployment Insurance Fund, the numbers on relief on March 31st, which had fallen from 1,240,550 in 1927 to 1,106,673 in 1929, continued to fall for two years more, to 1,029,114 in 1931. Then came the alarmist report of the May Committee, the fall of the Labour Government, and the reversal of its policy, and by March 31, 1934, the numbers on relief had increased to 1,409,089, almost touching the record of 1922.

With regard to the special problem which most exercises the minds of administrators, the recrudescence of able-bodied pauperism, the following comparison between 1922 and 1934 is illuminating:

	Persons on March 31st receiving			
	Institutional Relief		Domiciliary Relief	
	1922	1934	1922	1934
London .. .. ..	52,272	31,500	185,889	97,684
Rest of England .. ..	155,509	145,180	931,912	986,645
Wales .. .. ..	9,800	8,856	130,217	138,924
England and Wales .. ..	217,581	185,536	1,248,018	1,223,253

It will be noticed that while in each of these divisions there were fewer persons receiving Institutional Relief in March 1934 than in 1922, the reduction being most marked in London, it is only in London that there has been any reduction in those receiving Domiciliary Relief, though there it is very striking. Both in extra-metropolitan England and in Wales the numbers on out-relief in 1934 exceeded all March records for many years past.\* As a measure to combat the recrudescence of the able-bodied pauperism which is the cause of this increase of the numbers on Domiciliary Relief, the Act has succeeded in London only; in the rest of the country, it has, so far, completely failed.

It is natural that fears should arise that relief has been given too freely, too indiscriminately, and on too generous scales. It cannot be denied that there are cases in which ill-paid workers with large families

\* For the whole year, April 1926–March 1927, the average number on out-relief was 1,722,084, but at the end of the year it dropped to 1,014,785, the miners having gone back to work.

are better off when "on the dole" than when in work and relying entirely on their wages, and therefore must be under temptation to prefer idleness to industry unless they get assistance from the poor rates. In other words, we are drifting back towards the "Speenhamland Policy" of grants out of the rates in aid of wages, which the Act of 1834 was passed to end for ever.

On the whole, however, the practical results of the Act of 1929 have thus far been most encouraging. The enlargement of the area of Poor Law administration has tended towards the elimination of political partisan spirit and parochial patriotism. Superfluous workhouses have been closed, and resort to the "mixed general workhouse" is giving place to the treatment of different classes of applicants by the appropriate agency for dealing with their various needs.

One notable development from the Act of 1929 is as regards vagrancy. Here the unit is not the county or county borough. Administration is vested in Joint Vagrancy Committees, each representing several counties and boroughs. It is anticipated that in the end vagrancy will become a national charge, to be dealt with as an incident of unemployment.

It was just at the time when the Public Assistance Committees were being called upon to deal with rapidly increasing numbers of applicants for Poor Law relief, that they had thrust upon them by the Government the additional task of determining the amounts to be granted in cases of transitional benefit under the Unemployment Insurance Acts, of which the cost is defrayed by the national exchequer, and this without the guidance of the Central Government that they had a right to expect. The inevitable results followed. In many boroughs and counties proper inquiry and careful discrimination in individual cases was far beyond possibility, however devoted and hard-working the members of Assistance and Guardians Committees might be; decisions had to be made on imperfectly ascertained facts, and according to rough rules for ascertaining the means and needs of applicants, with much party strife in the depressed areas on the application of the "Means Test," a strife which tends to excite and embitter class antagonism throughout the whole of Great Britain. It is even hoped by some few people, and feared by many, that the unemployment problem will be the rock on which our present social order will split and capsize.

For the disappointment of these hopes and fears we have to look to the Unemployment Act of 1934. This Act has created a new depart-

ment of the State, that of the Unemployment Commissioners, which assumes complete responsibility for dealing with the unemployed, and also takes over from the Public Assistance Committees the responsibility for dealing with able-bodied pauperism. It will be in a position at least to frame proposals for dealing with unemployment on scientific and remedial principles, and perhaps to take appropriate action on its own authority. When a great, an urgent, and difficult national problem has to be dealt with, the first necessity is to choose carefully the men to do the work, and to give them whatever powers and resources they may need to accomplish it. It is well that this first step has now been taken. And yet the analogy of this new departure with the entrusting of Poor Law administration to the "Three Bashaws" was too close to allow us to look forward without misgiving. This misgiving, felt when the Act was passed, was amply justified. The Commissioners of 1934 at the start outraged public feeling and intensified social conflict in much the same manner as those of 1834.

The Poor Law history of the last hundred years is on the face of it a record of mistaken beliefs fanatically adhered to, and of great evils tardily recognized, and more tardily remedied. If we could look below the surface we would find, beyond a doubt, much Bumbledom, much cruelty, and not a little corruption; but we would also find much more honest and conscientious service from both voluntary and paid workers, and not a little heroic devotion. And at the end, we would find that the nation, through good years and bad, especially in times of peril from foreign war and internal conflict, has owed a deep debt of gratitude to those Elizabethan statesmen who made it part of the law of England that needlessly to allow man, woman, or child to die from hunger or neglect is to commit the crime of manslaughter.

Looking into the future, we see that Malthus has triumphed. Births numbering only 580,413 in 1933 against 734,788 persons married make fears of an excessive number of births ridiculous. They have given place to new fears of deterioration in the average innate quality of children born, and of racial suicide. These fears will create future issues with regard to Public Assistance, which will doubtless continue to be fertile of social conflict.

## CHAPTER XVI

## THE FINANCE OF MUNICIPAL GOVERNMENT

*by*

SIR JOSIAH STAMP

## A CENTURY OF CONTRAST

THE epic story of development which has been set forth in other chapters is human, objective, compounded of new ideas, laws, institutions, and developing social consciousness. It is so varied that there would seem to be no way of unifying it as a picture of progress, of change—no common term or measure for it as a whole. Yet there is no activity or development in this long list that does not at some point, generally quite direct, involve money, the provision of funds, either in capital resources or in annual expenses. Here, with all its limitations in expressing the whole truth about any one aspect of social life, is at any rate a common measure or medium in which they may be all compared and aggregated. The aggregations themselves, in what we call Municipal Finance, have their own story, superimposed upon, and different from, the story of any one *branch* of municipal activity. These totals involve processes of taxing, and charging, and borrowing, not indeed always for an indistinguishable whole, but still with common principles, aggregate limits, and a special machinery and technique of their own. These over-riding general financial aspects have also been developed, parallel with the development of finance in general, and irresistibly impelled to progress by the immense pressure of the extending range of municipal life.

In the eighteen-thirties, aggregated municipal statistics were almost non-existent. Marshall's great volume of tables (1833) has details of the rateable values, the population, and the families engaged in agriculture and manufactures respectively for the chief Scottish towns, but no corresponding figures for English towns. Most of the statistics, such as the parochial expenditure, are classified in counties, although more details are available for London parishes. It is interesting to find much fuller information available for French, German, and Swedish towns. In the report of the Commission on the Poor Laws in 1834, it is not possible to find the expenditure on Poor Law administration

for the boroughs, nor is anything available in the first Report of the Poor Law Commission, 1835. The first Statistical Abstract (1840) has no local financial statistics except for expenditure from education grants, and the poor rates received, £6,242,571, of which £4,576,965 was spent in poor relief and £1,490,461 for other purposes, county, and police rates, etc. (England only), whereas to-day a whole section of the Abstract is given over to local government finance, extracted from the annual local taxation returns and annual reports. From these we may gather the chief sources of receipts; the different aggregated receipts for the different kinds of bodies; the different objects of expenditure, not only out of rates, but also out of all kinds of current receipts, in great detail; the expenditure on capital works for different services; and the outstanding loan debt of each service.

After the Municipal Corporations Act of 1835, returns began to be rendered systematically by the boroughs of different standing, and by 1840 the total of "ancient municipal towns" was 263, with a population of 2,443,605, and 5 towns (Birmingham, Manchester, Bolton, Devonport, and Sheffield) had just obtained charters under the Act. (There were 71 boroughs or towns represented in Parliament, but without institutions of the character contemplated by the Municipal Corporations Act.) The annual return laid before Parliament for 1840 gave the details for the 178 boroughs under the Act (population 2,195,164) as follows:

YEAR 1839-40

*Receipts—From what sources derived*

		£
Balance in hands of Treasurer and at the Bankers .. ..	74,969	
Rent and fines on grant and renewal of leases .. ..	249,234	
Interest, dividends, and moneys unpaid .. ..	109,199	
Tolls and dues .. .. .. ..	167,171	
Sale of Property .. .. .. ..	49,042	
Borough and Gaol Rates .. .. .. ..	150,744	
Watching, lighting, and paving rates .. .. .. ..	45,930	
Treasury, on account of Prosecutions .. .. .. ..	11,006	
Fines on convictions .. .. .. ..	6,687	
Unclassed income .. .. .. ..	7,038	
Miscellaneous .. .. .. ..	40,539	
Balance due to Treasurer .. .. .. ..	29,947	

Total

The receipts were, therefore, 8s. 7d. per head of the population, and the rates were less than 2s. of it. For 1931-32 the 83 county boroughs

of England and Wales alone, with a population of 13,308,000, received over 204 millions sterling (including capital receipts), and their rates alone were nearly 53 million pounds, or practically £4 per head. The average wealth per head during this interval increased about four times,\* so that the municipal receipts per pound of income per head increased eight and a half times, and the burden of rates per pound of income per head increased ten times. These are, of course, only broad computations designed to indicate the immense difference in the scale of municipal service and demand.

It may be of interest, in view of the difference in the scope of towns comprised in the two calculations, to take the totals of seven boroughs included in both and chosen at random—Bath, Liverpool, Newcastle, Plymouth, Preston, Leeds, and York. In 1839–40 the population was 509,000, the rates raised £68,000, or about 2·6 shillings per head, and the total income was £463,000, or about 18s. per head. In 1931–32 the population was 2,102,000, the rates raised £8,831,000, or about £4 4s. per head, the total income, *excluding* trading receipts and interest, being £19,032,000, or £9 1s. per head.

Turning now to the forms of expenditure in 1839–40, the totals for the municipal institutions were:

	£
Balance due to Treasurer .. .. .. .. .. .. ..	30,817
Administration of justice, prosecutions, etc. .. .. .. .. .. ..	41,875
Police and constables .. .. .. .. .. .. ..	139,285
Coroner .. .. .. .. .. .. ..	5,875
Gaol, maintenance of prisoners .. .. .. .. .. .. ..	51,080
County expenses .. .. .. .. .. .. ..	18,037
Rent, rates, taxes, and insurance .. .. .. .. .. .. ..	28,411
Salaries, pensions, and allowances to municipal officers .. .. .. .. .. .. ..	75,183
Lighting, paving, and cleansing .. .. .. .. .. .. ..	29,438
Public works, repairs, etc. .. .. .. .. .. .. ..	166,983
Markets and fairs, etc. .. .. .. .. .. .. ..	19,442
Municipal elections .. .. .. .. .. .. ..	3,924
Printing, advertising, stationery .. .. .. .. .. .. ..	6,204
Law expenses .. .. .. .. .. .. ..	24,590
Charities .. .. .. .. .. .. ..	14,918
Principal paid off and interest .. .. .. .. .. .. ..	198,052
Miscellaneous .. .. .. .. .. .. ..	30,162
Balance in Treasurer's hand and at the Bankers .. .. .. .. .. .. ..	54,449
	 £938,725

\* Giffen's estimate for 1835–40 was 515 million £ with a population of 26½ millions including 8 millions in Ireland. Excluding Ireland, the income per head was rather over £20. In 1932 it was probably from £82 to £85.

Contrast the range and variety of expenditure for the county and the non-county boroughs in 1931-32 in England and Wales (excluding metropolitan boroughs), not including capital accounts:

(*In Thousand £s*)

	County	Non-County	All Boroughs
Elementary Education (including industrial schools) .. .. .. ..	20,538	6,111	26,649
Higher education .. .. .. ..	6,402	227	6,629
Public libraries and museums .. .. ..	1,098	269	1,367
Public Health:—			
Sewers and sewage disposal .. ..	2,072	915	2,987
Collection and disposal of house and trade refuse .. .. ..	2,938	930	3,868
Hospitals, sanatoria, etc. .. .. ..	3,895	373	4,268
Maternity and child welfare, notification of diseases, etc. .. .. ..	223	72	295
Salaries of medical officers, sanitary inspectors, etc. .. .. ..	460	196	656
Baths, washhouses, etc. .. .. ..	848	254	1,102
Parks, etc. .. .. ..	1,805	793	2,598
Public conveniences .. .. ..	295	135	430
Welfare of the blind .. .. ..	545	—	545
Miscellaneous (6 heads) .. .. ..	479	80	559
Relief of the poor, etc. .. .. ..	14,899	—	14,899
Mental hospitals .. .. ..	394	11	405
Mental deficiency .. .. ..	679	—	679
Housing .. .. ..	4,690	1,184	5,874
Small dwellings acquisition and town planning .. .. ..	102	60	162
Allotments, small holdings, etc. .. ..	137	52	189
Highways, bridges, etc. .. .. ..	4,861	2,757	7,618
Scavenging, watering, etc. .. .. ..	1,715	519	2,234
Sea defences, floods prevention, and land drainage .. .. ..	61	30	91
Private street works .. .. ..	864	720	1,584
Public lighting .. .. ..	2,000	702	2,702
Fire brigade .. .. ..	774	236	1,010
Police and Police pensions .. .. ..	6,724	997	7,721
Probation of offenders, reformatory schools	83	6	89
	79,581	17,629	97,210

(In Thousand £—contd.)

	County	Non-County	All Boroughs
Carried forward .. .. ..	79,581	17,629	97,210
Weights and measures .. .. ..	154	16	170
Administration of Justice .. .. ..	451	73	524
Registration of births, deaths, and marriages	71	38	109
Registration of electors and municipal elections .. .. ..	246	19	265
Valuation expenses .. .. ..	135	41	176
Services as agents of Government Depts. ..	508	24	532
Miscellaneous services .. .. ..	2,432	468	2,900
Administrative and legal expenses .. ..	3,088	1,383	4,471
Cost of rates collection .. .. ..	526	214	740
Transfers to special funds .. .. ..	127	33	160
Transfers to trading services to meet deficiencies .. .. ..	1,043	474	1,517
Loan charges .. .. ..	88,362 22,941	20,412 7,063	108,774 30,004
	£111,303	27,475	138,778

In 1839–40 the amount of debt due by the corporations was £1,768,000 (of which Liverpool had about 60 per cent!). In 1931–32 the gross outstanding debt of county boroughs was 333 millions. The seven cities selected above had £1,229,000 in 1839 and 92 millions in 1931–32!

The kinds of property possessed by boroughs a hundred years ago were very varied: 145 had tolls, 156 drew "fees," 211 had lands and tenements, 42 had ecclesiastical patronage, and 2 pew rents, 76 "alienations," 39 fee farm rents, 17 possessed "stock," but only 28 are recorded as having town halls. One claimed "town soil," and another "waifs and estrays." Fourteen drew fees for "admissions to freedom." There were 6 anchorages, 16 fisheries, 10 harbour dues, 5 mills, and 5 oyster fisheries, 11 post dues, 14 quay dues, and 4 river dues; and 6 wharfage dues, and 6 water rents. Shares in turnpikes numbered five, in railways two, and in gas five. Where has the single case of "presage of wine" disappeared?

The head of "entertainments," with its subordinate items of "Cook,"

"Ringers," and "Tavern Expenses," though it appears in various parts of the Commissioners' Reports, seems to be banished from the accounts of the remodelled corporations, and "it is to be hoped that there has been some retrenchment with regard to the municipal officers even to the extent of abolishing many of the offices. . . ."<sup>\*</sup>

The returns of officers contain many extraordinary entries. Town Clerks numbered 252, Mayors, 241, Sergeants at Mace 177, Recorders 244, Coroners 151, Chamberlains 203, Clerks of the Peace 139, Clerks of the Market 188, Bailiffs 165, Gaolers 58, Auditors 23, Bellmen 22, and Beadles 44. There were ale conners, founders, and tasters, 35 in all. The aulneger, ballast assessor, blower of burghmote horn, borsholder, cleaner of chandelier, claviger, cleaner of flags, dragon bearer, egg collector, flesh and fish looker, free suitor, grassman, hedge looker, hogdriver, leave looker, market sayer, minstrel, mole catcher, moor grieve, murager, murenger, sampleman, shamble warden, swanner, whiffler, wood and chimney searcher, and the yeoman of the pentice court—all alike no doubt came down from antiquity, but did not long survive Mr. Fletcher's criticism. Doubtless someone to-day is doing their duties under another title.

#### PARTICULAR EXAMPLES CONTRASTED

A more realistic contrast can be secured, perhaps, by comparing the actual accounts of the same corporation over an interval of a century. Dundee is taken at random. In 1835, apart from the "Common Good," the financial activities were compressed in the description: "*Revenues and Expenditure of the Dundee Police Establishment.*" The "Common Good" is the ancient patrimony of the burgh, held by the corporation for behoof of the community generally and derived originally from royal grants, duties, and levies, the fund accumulating with surpluses over a period of time to its present total of £5,437 per annum, mostly made up of feu duties. In 1835 the "Police" accounts covered (1) watching, (2) lighting, (3) paving, and (4) cleansing. The last was run as a trading account, the receipts from "lessees" being £1,878 and the "Discharge" covering the pay of inspectors and 49 scavengers (at 9s. a week each) £1,216, with other expenses for brooms, depots, and ironmongery. The "value of manure collected at the Harbour," £96, was carried to the credit of the Watching Account. This account was debited with one-fifth of the *General Expenditure*, and the balance, £288, carried to Revenue. The *General Expenditure*

\* Joseph Fletcher, in *Journal of the Statistical Society*, 1842, p. 162.

Account covered the salaries of four chief officials £235, stationery £46, maintenance of prisoners in jail £112, interest £54, secret service 15s. (!) postages, etc. The total, £506, was then spread two-fifths to Watching and one-fifth each to Cleansing, Lighting, and Paving. The Watching Account was mainly made up of salaries, from the superintendents, £127, including travelling expenses, to the twenty-nine watchmen at 10s. 6d. per week, but there were deductions for services to the Harbour Trustees. The keeper of the gunpowder magazine got 3s. per week, straw for prisoners in police cells cost £3 4s. 2d., and there was compensation to a watchman hurt on duty £3. A careful credit appears for watchmen's broken lanterns sold 16s. 2d. The total expenditure was £1,754. Lighting totalled £941, the chief items being wages to lamplighters, and gas for 730 jets, 21 half batwings, and 45 oil lamps (£445). The Paving expenditure was £1,725 (after a credit of £300 from the "Town"), the larger items being square stones for the High Street £512, and wages. To meet this expenditure the Revenue was £4,279 from rates ("produce of assessment"), and the profit on cleansing, £288. During the year £2,000 was paid to the Gaol Commissioners for Bridewell, part of a total of £6,000, but this was all borrowed. The "State of Debts and Assets" discloses £5,400 borrowed, and £526 for accounts due, and assets consisting of cleansing, lighting, and paving stock, cash, etc., with a net excess of assets £1,215.

Now let us contrast this with 1934. Police cost £40,538, against £1,754 for "watching" in 1835; Lighting £29,843, against £941 in 1835; Cleansing £56,553, against a cost of £1,591 and a net profit of £288 in 1835. Roads and streets cost £72,763 against £1,725 in 1834. Then, in addition, we have the following items not represented at all in 1835:

	£		£
Fire .. .. .. ..	8,481	Public Health .. ..	93,696
Parks .. .. .. ..	19,438	Housing .. ..	25,000
Baths, etc. .. .. ..	7,586	Public Assistance .. ..	132,902
Libraries .. .. .. ..	12,969	Lunacy, etc. .. ..	35,209
City improvements .. .. .. ..	41,760	Education .. ..	168,360
Sewers .. .. .. ..	18,562	Other Services .. ..	28,701

The classification is not clean cut in comparison, for something in the Street Improvements, 1934, would correspond to paving the High Street in 1835, and some part of Sewers Expenditure to-day would find its analogue in cleansing previously. The "public assist-

ance" had, of course, an equivalent, but not in the hands of the burgh. The total rate raised in 1933-34 was £773,552, against £4,279 in 1834-35. The loan debt is £6,622,000 now against £5,400 then. In 1835 the year's account to Whit Sunday was signed by the Treasurer on May 21st, and the certificate was dated June 5th. "We, subscribers, being a Sub-Committee appointed to examine the Accounts . . . since the last settlement, and having compared them with the vouchers, found the same correct," signed by the three conveners of Finance, Paving, and Watching, respectively.

Fifteen years later, by 1850, the accounts had become a little more elaborate. In the Cleansing Account the item "Lessees" comes better described: "Proceeds of manure sold £4,705," and there is a loss, as we should say, "falling on the rates," of £572. The only substantial addition to the accounts is the revenue and expenditure of the "Dundee Fire Engine Establishment," with an income of £137, £25 from the Forfarshire and Perthshire Insurance Company, £25 from the General Commissioners of Police, and £20 from the Harbour Trustees, and £51 from attendance at Fires. (This first appeared in 1835-36, when £502 was subscribed, by 45 persons and bodies, for the outfit.) An estimate of the revenue and expenditure for the coming year was first included in the annual accounts in 1845-46, and except for the paving expenditure, it proved a creditable effort in the actual event.

My second example will be in England, the case of a borough actually created immediately under the Act of 1835, and with no previous history, practice, or assets, as a borough. The Accounts for the early 'forties in Birmingham are simply: the Borough Fund Account, the Borough Gaol Account, and the Lunatic Asylum Account. The two last were only building accounts, and did not come to the stage of working accounts until the 'fifties. By 1846 the new corporation had got into its stride. The total expenditure in the Borough Fund was £44,950, of which police expenditure and outlay for prisoners and trials accounted for nearly £21,000, payment to the county £15,000, purchase of land £2,320. The "Public Office" cost £1,140, law charges £1,674. Salaries were £1,421. The Weights and Measures Department cost £472 and received £219. The income was mainly from the borough rates £37,000, and the sum of £797 was received from the Government for prosecution expenses. The Fund spent (including the land) £7,000 more than the receipts of the year. The only income of the two other funds, apart from loans, was gaol rates £2,404, and bank interest.

The picture in 1933 is contained in a volume of over five hundred pages, with detailed accounts for thirty-five heads of service, a gross expenditure totalling £7,183,000, plus £2,422,000 loan charges, or £9,605,000 in all. Towards this there were receipts of £2,299,000, leaving a net expenditure of £7,306,000. The specific Government grants accounted for £1,902,000, the general grants and proceeds of local taxation licenses £1,019,000, profits from trading undertakings, etc., £257,000.\* The total net sum left to be raised by rates was £4,138,000, and the rate in the £ to achieve this was virtually 14s.

In the gross expenditure, housing was the largest single item, £1,868,000, but in the net expenditure it takes a more modest place, as the lion's share of income is under this head, and when the specific grant is deducted the net cost to the rates is only £142,000—a still lower place in the total cost. It was followed by the item for elementary education, of £1,694,000 (the net sum falling on the rates being £859,000, which heads the list); highways and bridges, £782,000; public assistance £656,000, and police £633,000; hospitals and sanatoria cost £547,000; higher education £507,000.

The specific Government grants were given for twenty-three of the thirty-five services, the chief omissions being allotments, justice, markets, mental deficiency, museums, public assistance, public health, and sewage disposal. Education, elementary and higher, account for over one-half of the total; housing and police for the bulk of the remainder. The trading accounts include electric supply (balance carried to Reserve Fund Account £172,000), gas (balance to Appropriation Account £50,000), municipal bank (balance to Balance Sheet £16,000), tramways and omnibuses (balance to General Rate Fund £15,000 and Special Expenditure Account £204,000), and water.

The aggregate Balance Sheet totals £117,500,000, and the loans outstanding are £52,000,000, compared with just under £20,000,000 twenty years ago.

#### SOURCES OF REVENUE (1) RATES

Having looked at a century of development in the aggregate and in examples, we have to consider the several sources of revenue, and the chief and the oldest (apart from fees and property) is the rate levied on property. No space need be given to a description of the origin or nature of an institution or a method so common and so

\* Strictly the markets and fairs gave a credit of £30,000 which might be added.

well understood. It will suffice to examine some of the less familiar features in a comparative spirit.

Comparisons of the total values rated or of the rate in the £ over the period of a hundred years are difficult to make, except in the broadest terms. Formerly very little political or other capital was made out of a comparison between "the rate in the £" in various places, or in the same place at different intervals of time under different political management. It was rarely an election point. It mattered little, therefore, that the rate in the £ was fictitiously high because the valuations were low. Stress was indeed laid upon the relative fairness of the valuations in a parish, one property with another, but this was secured whether the whole range was 50 per cent or 75 per cent of the full rack rental value. To-day the emphasis has changed, and since an increase in the rate in the £ can often be avoided when expenditure is rising by a new and more stringent valuation, the latter has been tightened up to the fullest extent, and common principles of valuation exist over wide areas. But the process of raising the valuations to the full rental values has proceeded more or less steadily through the last half century, and the technical perfection of the valuation has been mostly completed in the last two decades. Nearly a hundred years ago, on the introduction of Income Tax Schedule A, it was necessary to use the Poor Rate Valuation Roll as the skeleton of the assessment, but it was important to have a nationally uniform basis of values for the income from property, which was defined to be the rack rent or the full yearly rent which was obtainable. The position of the poor rate valuation in relation to this scheme can be gauged from the elaborate provisions laid down for sampling. Provision was made for parishes rated on the annual value; for those on a proportionate part throughout, for those where *different* kinds of properties were rated in due proportion to each other, but not to a like proportion of the annual value, and fourthly, for those where all the properties were rated in proportion to each other, but not to any recognizable proportion of the annual value. In this last case, a group of properties for which the rack rents were known, were to be compared, for these rentals in the aggregate, with the corresponding aggregate of *rated* values, and the proportion between them ascertained. It was then proper to estimate rack rentals of properties in tenant ownership, paying no actual rent, by applying this sampled proportion to their rated value.\*

\* 5 & 6 Vict. c. 35, s. 64 xi.

These rules survived from the Income Tax Act of 1806, and in a technical sense were quite out of place in 1842, for the Parochial Assessments Act of 1836 made the poor rate actually due, not upon the full annual or rack rent value, or any proportionate part thereof, but on the net annual value.\* Nevertheless this is only a formal objection. For the net annual value could be got at only from the gross estimated rental, which continued to be given in the Valuation List, and had certain binding effects upon Inhabited House Duty. So the Poor Rate Valuation, estimated by local whims and non-technical ideas, continued its inefficient progress through the century. If it was a fair valuation *inter se* everyone was satisfied, but of course owner-occupied properties with no actual rent continued to be conspicuously under valued.† The Schedule A assessments were always higher in the aggregate, for the assessing Crown officials, periodically moving from place to place, had a wider experience than local overseers, and were compelled to be more consistent; they had larger powers of securing rent returns, and they had little or no bias or local favouritism. It is true that their work of valuation was not taken very seriously until the 'seventies. It was estimated (*Report on Local Taxation*, p. 17) that in 1841 the "rateable value" was 72·89 per cent of the Schedule A values, in 1856 70·25, and 1868 70 per cent. By the end of the century the difference was below 5 per cent. In 1876–77 Anglesey and Lincoln were the worst counties, and Cornwall, Salop, and Wilts the best. We have no information to show how far the smaller boroughs were better than the average for the country, but almost certainly the larger boroughs were better. They were the first to develop a rating technique. A powerful influence to better valuation came about through the contribution to the county rate, for in so far as the precept to each area was based upon the district area totals of the poor rate valuation, those which had methods of low valuation would contribute less than their share. The county authorities had recourse to the income tax valuation totals for the respective areas, and thus were able to make a comparison of the areas on level terms and adjust their demands accordingly. The poor rating authorities themselves often made comparisons with the Inland Revenue figures in detail, and by degrees the gap was almost closed. Yet in 1911 I was able to write: "There are still some unions, even semi-urban in character, in which no effort is yet made to place old or new property

\* See notes on Dowell's Edition of *Tax Statutes*.

† For further details, see my *British Incomes*, pp. 25–9.

upon a rack rental basis, and while a rough fairness is observed between houses, they stand as low as one-half the true value, or even less.”\*

It may thus be said that though there is a considerable apparent increase in the burden of rates *per £ of valuation*, it is yet fictitiously small, and some of the great additional burden of expenditure has disappeared from sight or from this particular test in improved methods of valuation.

In the main, boroughs had little rating scope until in 1875 they became local sanitary authorities, and their accounts in this capacity are nearly always kept as entities quite distinct from the Borough Fund. Only the county boroughs were given the complete autonomy covering also public assistance, highways, and higher education. The ordinary boroughs have to meet the county demands through a county precept for which they include an item in their general rate demands. The metropolitan boroughs (created in 1899) are much more restricted owing to the wide powers of the London County Council, and the special authorities for water and electricity.

The Rating and Valuation Act of 1925 dealt comprehensively with existing practices without touching the actual basis of the rate. The number of rating bodies was greatly reduced, the Poor Law overseer became a relic of history, for his duties were vested in local councils. Thus the rural district councils became rate-levying authorities. A general simplification represents a genuine attempt to get a greater degree of uniformity into the national system.

One consolidated rate called “the General Rate” takes the place of the separate Poor, Borough, and District rate, with many technical reservations and provisions in order not to upset “the existing incidence of rating.” The valuation functions pass from the Union Assessment Committees to the county and non-county borough councils and urban and rural district councils. The County Valuation Committee becomes all-important.

In the Act of 1929 the ordinary industrial buildings were relieved from three-quarters of the local rates, and the three-quarters exemption of agriculture was made a complete exemption. These striking changes were due in the main to the severity of the depression in agriculture and to the vicious circle created in industry. As a town became embarrassed by bad trade its liabilities for relief, etc., increased, but its rate-paying power was greatly diminished. It was hoped by these changes and other methods to relieve highly rated areas and prevent the settle-

\* “Land Valuation and Rating Reform.” *Economic Journal*, 1911.

ment of new industry too exclusively in the districts that were already prosperous beyond the average, scared by high burdens from the places that wanted them most. Equalization of conditions was required to an even greater extent and led to a revision of the grant system.

When the rates of a depressed district rise above 20s. in the £, and the rates paid are in excess of the rent, the question of "taxable capacity" becomes publicly acute. It is true that the rate in the £ is only a *measure*, and that there is nothing to prove that £110 paid upon a house of £100 rental value is "over-taxation," while £90 is not, but there seems reason to believe that the rates at this level become not an independent item *based* upon rent, but an actual *influence* upon the rent, such that the rent becomes depressed with the increasing sum payable as rates. This in turn leads to the sum being paid as rates representing a still higher burden in the £ than it might do if rents were unaffected. The very high quotations in certain places, e.g. Merthyr Tydfil 27s. 6d., Rhondda 23s., and Jarrow 19s. 8d. in the £, represent therefore two elements, (*a*) a burden absolutely high, and (*b*) an inverse effect upon the rateable basis.

#### SOURCES OF REVENUE (2) GRANTS-IN-AID

Grants-in-aid have developed from the simplest beginnings a century ago into one of the most powerful engines of administrative machinery, and are to-day very much more than mere financial devices for spreading the burden of expenditure over a wider field than the local ratepayers.

The grant-in-aid assists the local authority in the execution of its statutory duties. It has developed entirely within the century, the real start coming in 1846, but the major growth in the last sixty years. It has been estimated that in 1830, the "historical survivals" would not have aggregated to £100,000, and by 1840 not £500,000, but by 1860 they would have reached £1,000,000 sterling, and doubled again by 1870. In the next twenty years they reached £12,000,000, when Lord Farrer estimated that the subventions to local authorities reached 24 per cent of the national revenue.

In 1911 Sidney Webb (now Lord Passfield) thought it "not extravagant to predict that by 1920, when the total revenue of the National Government will probably exceed £200,000,000, the Chancellor of the Exchequer of the day will find himself paying away to the local authorities as much as a quarter of all he receives, or £50,000,000 sterling." As a matter of fact, although the total Budget, owing to

War Loan expenditure, pensions, etc., was so much greater than the forecast, the grants for England and Wales in 1919-20 were £48,000,000, and for 1920-21 nearly £62,000,000.

In answer to the question "Why have grants-in-aid at all?" Mr. Sidney Webb said: "It has become an axiom of political science that, with our English administrative machinery, grants-in-aid of local government are indispensable: (1) for any equitable mitigation of the inequalities of burden, (2) to secure effective authority for the necessary supervision and control of the national Government, (3) to encourage the kind of expenditure most desirable in the interests of the community as a whole, and (4) to make it possible to attain to anything like a universal enforcement of the 'national minimum' that Parliament has prescribed." But he declared that "no scheme of executive control or plan of financial aid entered into the conception of the finances of the Municipal Corporations Act of 1835." Grants-in-aid are really due to the development of Central Government. "Judged by actual day-by-day results, the grant-in-aid, whether we like it or not, has become a governmental instrument of extraordinary potency for good or ill, of greater actual importance in the lives of the people than parts of the Constitution to which more attention is directed."

In the final minority report of the Local Taxation Commission, 1901, eminent authorities declared "that this system carried out in respect of definite services, and not to particular items of expenditure, affords by far the easiest basis for judicious participation in the solution of administrative problems." It would be difficult to say at which point of time each of these particular reasons was implicit in the grant system or became a definitely expressed object. A good deal of modern "rationalization" is read back into the past with doubtful validity, and Mr. Gladstone certainly never appreciated the important elements of control which the grant system gave. One of the most important ideas in the earlier discussion of the subject was that a grant from the Central Government made a contribution from personal properties and incomes towards expenditure, which would fall otherwise entirely on the local rates on land and houses. It must be remembered that originally our land taxes and rating system were entitled to fall upon personal property as well as upon real property, but that, as in similar cases all over the world, the more personal elements gradually evaporated. This transformed a part of the burden to the taxing, away from the rating, system, and was, therefore, some way back towards the original incidence of the burden. It is quite

certain that the enormous increase of local expenditure could not, in fact, have been borne by any charge based entirely upon annual values of property, especially having regard to the general decline of agriculture. Upon this point Mr. Sidney Webb said: "Paradoxical as it may seem, there has been, in the course of the nineteenth century—comparing 1900–11 with 1800–11—no aggregate increase in the burdens on agricultural land. The great increase in the cost of local administration, due to the addition of new services, has taken place almost entirely in the towns, not in the rural districts; and in the towns, which have practically all grown in size in the course of the century, though not, of course, to anything like the same extent, the economist may not unreasonably regard this increased charge as nothing more than a partial recoupment of a practically universal 'unearned increment' of land values."

In the country districts the total cost of local administration had not, by the end of the nineteenth century, risen to any material extent compared with 1832. This was owing to the disappearance of the Church Rate and the decrease in the Poor Rate. In 1826–27 the average rating throughout Sussex was under 7s., and in Bedfordshire 6s. 2d., and in Buckingham only 5s. 5d., whereas in the 'nineties the average rates were far lower. It must, of course, be borne in mind in these comparisons that the rateable values were far below the rack rents in the earlier period, and it was the much more rigid form of assessment in the late 'nineties that enabled the rate in the £ to be so low. Practically all long-period comparisons of the rate in the £ on the rateable value are fallacious for this reason.\*

Districts and boroughs vary greatly in the cost of administration per head, owing to the differences which are caused by poverty, education, and changing services. "Even with administration of equal strictness, equal necessity, and equal economy, the cost of governing 100,000 persons in West Ham must necessarily be several times as great as that of governing 100,000 persons in Hampstead." These same causes often mean that the wealth of the local residents is relatively low, and we find an intensive aggravation of the rate in the £ required to meet the burden. It is obvious that any system of grants based upon rateable values per head, or even rates raised per head, would merely accentuate the difference. Lord Balfour said in the Final Report of the Local Taxation Commission, 1902, that a distri-

\* The matter was dealt with in detail in my article on "Land Valuation and Rating Reform." *Economic Journal*, 1911.

bution in direct proportion to the valuation was an inverse discrimination which ought to cease as soon as possible.

That reason for the system which rests in the securing of efficiency and economy has grown in importance through the century, but with the attainment of a general high level, is probably now less important than it was formerly.

The power of withholding the grant by a Government Department was an economic sanction similar in character to the sanction of the withholding of a license for a road vehicle. So long as *ad hoc* offences on the road are dealt with in isolated fashion by magistrates' fines, excesses and anomalies will persist, but as soon as the whole livelihood represented by a license is jeopardized, then we have the most effective engine of correction and restraint. In somewhat the same way, lax behaviour or standards of local authorities came under review. It was almost out of the question for Central Government Departments to proceed by way of *mandamus* and compulsion against a peccant borough, but the power of the grant is universally recognized as responsible for "uniformity, efficiency, and economy."\*

Mr. Webb's third reason was really a development of the second, viz., the opportunity which the system of grants affords of imposing upon the local administration experience, superior knowledge, and breadth of view, and this again leads into the fourth, viz., the power to establish a "national minimum" of efficiency. There are so many matters of local administration in which the laxity of one may endanger the efficiency of its neighbours. We have only to think of infectious diseases as a case in point, and the inhibitions where roads are bad over a section.

Mr. Sidney Webb contrasted the "national minimum" brought about through the constabularies, and linked to the grant-in-aid, with the failure of the Children's Act, which prescribed a "national minimum" but gave no powers for seeing that it was enforced.

The growth of the grant-in-aid may well be studied in general financial textbooks. It is difficult to get the continuous statistics relating to boroughs only, for, as stated above, even the germ of the idea was not to be found in the Municipal Corporations Act of 1835. It took nearly a century to achieve this standard means of central control. By 1931 the total sum paid in grants was £147,000,000—a sum approaching the total raised by Public Rates.

In the pressure to equalize burdens, and also to introduce more

\* *Final Report Local Taxation Commission, 1901.*

order into the grant-in-aid system, the Act of 1929 reorganized the grants to have greater regard to actual local requirements. A central fund or pool is formed, out of which new block grants are made, but in order not to make too violent a break with the past the application is to be gradual. From 1930 to 1937 the arrangement is only partial. The fund or pool is divided in two: one part is to be devoted to making up the losses which the local authority may suffer from the "derating" provisions of the Act, already referred to, and through certain direct grants being discontinued, and the other part is allocated on a formula. From 1937 to 1942 only one-half of the "losses" are made good, and all the balance of the pool available goes in the formula, and for 1942-47 one-quarter of this loss is met, while from 1947 the whole of the fund will be distributed by the formula. The formula is based on population, with special weighting for numbers under five years old, population per mile of main road, rateable value per head, and unemployment. The specific grants discontinued are those for maternity and child welfare, tuberculosis, venereal disease, mental defectives and blind, and other miscellaneous health services, some road grants, and the grants previously borne by the local taxation account, including the old reimbursement of the abatement of rates on land. The new block grant is not specific at all, but has to cover all these. The grants that still remain, say, in a county borough, are higher education, police and reformatory, and industrial homes, etc., each 50 per cent of expenditure; disease of animals, 75 per cent, and elementary education about 50 per cent, but based on attendances and teachers' salaries. The housing grants depend on different Acts.

The new system was unlucky in the time of its introduction, though those times were its justification, for its real benefits have been obscured by countervailing forces. It is being criticized for its complexity, especially in the formula, for being inhibitive of the active interest of the local ratepayer, for making development of services too stereotyped and uniform, and for not giving enough encouragement to careful administration.

#### MUNICIPAL TRADING—THE EARLY STAGES

Little can here be said upon the historical development of municipal trading that has not been fully recounted elsewhere,\* and it is not intended to argue the case for or against such enterprise. Markets go back for centuries by charter, but these ancient ones do not form

\* See chapter xiv ante.

now a large proportion of the whole, and expansion here is quite as modern as other forms of trading, for both markets and slaughterhouses as borough enterprises extended rapidly after the 1875 Act.

The Baths and Washhouses Act was passed in 1846, and developments were steady from that time to 1900, spreading in range from a general laundry business in Glasgow, "drawing patronage from all classes", to the letting out of bathing machines in Hastings.

Harbours, ferries, and docks in a few cases go back some hundreds of years, but in general they were managed by special trusts, on which there were often representatives of the boroughs. Water supply is said to have been given municipally in Southampton in the fifteenth century, but the number of examples was really negligible until the nineteenth century was well advanced. Sheffield began in 1830, Manchester in 1847, Glasgow in 1855, Birmingham in 1874. By 1890 226 out of 519 municipal boroughs and urban districts in Great Britain had acquired the management\* of their undertakings. By 1900 water supply was easily the first in importance of all trading enterprise, though its financial position had only recently become so important. Judged by some tests, it has now taken second place to electricity supply.

The apparent results of water supply are no indication of commercial success, for the charges made are usually based on rateable value, and not on water consumed. To this extent it is often regarded as an essential public service, and the finance of it, provided it is worked economically, is a secondary consideration not to be put to the test of "profits."

Gas was in the hands of companies mainly for half a century, and a hundred years ago there were only three gas works municipally managed. Manchester took over from the Police Commissioners in 1843. By 1860 there were nineteen, by 1880 fifty-seven, and by 1900 still only ninety-five†—a far less proportion than in Germany and a far greater proportion than in the United States and France.

Electric lighting began municipally in Bradford in 1889, and by 1900 there were 130 plants in municipal management compared with 68 in private hands. The growth on the municipal side was very rapid. Whereas the earlier concessions for water and gas companies were given in perpetuity, from the outset the franchise for electric lighting nearly always reserved rights to the municipality to buy them out at the end of twenty-one years—afterwards extended to

\* *Report of Joint Committee on Municipal Trading, 1900.*

† These figures relate only to municipal corporations. The totals for all local authorities are given in chapter xiv.

forty-two years. The terminal dates were such that after 1930 rights of acquisition accrued extensively. Tramways were mainly begun by private companies, but even in 1868–69 powers of acquisition by local authorities were granted. Early powers were to construct and own, but not to work, but in 1882 Huddersfield broke through the restriction. By 1902 885 miles out of 1,483 were owned by municipalities. In 1932–33 the miles worked by local authorities were 1,530 out of 1,861. In 1933, 139 out of 172 systems were operated by local authorities—of these 133 were earning incomes; 29 local authorities in 1933 had trackless trolley systems (out of 35 in all), and the capital expenditure was £2,081,000 out of £3,009,000; 94 towns had their own motor-bus services (Eastbourne from 1903, Wolverhampton from 1905).

Municipal housing is often classed as a trade, but the powers are so intermixed with public policy and obligations on slum clearance and unhealthy areas that commercial considerations are often subsidiary. Leonard Darwin, in 1900, quoting the figures of 1900, opined that they were “interesting as showing, it may be hoped, that the worst slums have been cleared.” Cemeteries are generally regarded as a public service rather than a commercial undertaking.

Golf links are now coming to the fore, but Bournemouth was in the field before the turn of the century. In 1901 Glasgow and Tunbridge Wells had established telephone services, but the latter had abandoned it. Five other corporations had acquired licences.

In 1827 the rates in England and Wales produced £9,500,000, and in 1851 rather less, but by the end of the century they reached £38,000,000 out of £70,000,000, £12,000,000 of the difference being returned as profit from trading. It was considered impossible to tell then whether “rates would have been on the average higher or lower had no municipal trading been undertaken\*.

The general range of trading has not greatly extended of late years, for attempts were made forty years ago to run cycle tracks, construct electric and steam machines, establish fire insurance, and manage public-houses.

#### THE LATER STAGES

In a special return reprinted for the Joint Select Committee on Municipal Trading (p. 377), the net profits of municipal industrial undertakings were given as follows (five years to March 31, 1898):

England, £3,613,668

Scotland, £181,327

\* Darwin, p. 23.

Waterworks, separately, were, England £1,744,361, Scotland £44,662; gasworks, England £1,180,208, Scotland £54,773.

A similar return for four years to March 31, 1902, gave waterworks £2,032,756, and gasworks £1,367,735, which may be compared with the assessments to income tax for (1900-01) £1,904,261 and £1,642,943 respectively. The tax statistics—published separately for a short period—have two limitations for our purpose: (a) they extend beyond municipalities; (b) they neither wholly include nor exclude interest paid. Ordinary interest is included, but that paid to the Public Loan Board is deducted.\* The figures have not much value as absolute totals, but for making comparisons over a period of years they are not to be despised.

In the following table I have aggregated the later returns for the county boroughs, non-county boroughs, and London boroughs in England and Wales:

		Transfers in Aid of Rates	Receipts from Rate Accounts towards Deficiencies	Balance in Aid of Rates
Water supply ..	.. .. ..	£ 46,782	£ 527,499	— 480,717
Gas supply ..	.. .. ..	166,278	3,750	+ 162,528
Electricity supply ..	.. .. ..	347,695	22,753	+ 324,942
Tramways, etc. ..	.. .. ..	142,959	192,714	— 49,755
Ferries ..	.. .. ..	2,5353	8,489	+ 16,864
Markets ..	.. .. ..	383,419	11,577	+ 371,832
Cemeteries ..	.. .. ..	15,316	259,677	— 244,361
Harbours, docks, piers, canals ..		9,084	204,974	— 194,890
Miscellaneous ..	.. .. ..	19,408	151,977	— 132,469
General corporation estates ..	.. ..	346,676	124,941	+ 221,635
<b>Totals: C.B.</b>		<b>328,681</b>	<b>443,246</b>	<b>— 114,565</b>
<b>N.C.B.</b>		<b>65,776</b>	<b>21,891</b>	<b>+ 43,885</b>
<b>Met. B.</b>		<b>1,108,513</b>	<b>1,043,214</b>	<b>+ 65,299</b>
		<b>1,502,970</b>	<b>1,508,351</b>	<b>— 5,381</b>

\* Where interest is in excess of profits, as so often happens, the excess is separately chargeable, and *should* not be included in these totals, though the practice has not been uniform. *British Incomes and Property*, pp. 249, 348, 356.

The actual sums raised under the head of "water rates" are inadequate to meet the expenses in the non-county boroughs. In the county boroughs the transfer is very large, but viewed broadly, seems of little significance, the source of income being a rate in any case. Gas and electricity are more definitely trading concerns, and here there is a substantial balance in aid of rates, while tramways are negligible on balance. The ancient prerogative of markets naturally yields a large balance, and are not now regarded as trading undertakings in the ordinary sense. One would not expect cemeteries to be run on lines to show a transferable surplus. The result for harbours is accounted for mainly by Bristol and Southend-on-Sea.

Municipalities are, of course, restricted by Statute in the range of the enterprises they may undertake, permission being necessary in a specific sense, and the special Acts lay down the broad lines of finance, especially on the capital side, with terms of repayment, but also often on the prices to be charged and the way in which profits are to be utilized. Frequently, for the protection of the ratepayer, these stipulations are strict compared with the practices of private business or companies. The necessity for redeeming capital is peculiar to the municipal finance, and does not apply to a company; the necessity for providing depreciation and renewal funds is common to both, and is on similar lines. This discrimination, while temporarily hard on the ratepayer, or rather the user of the supply, contributes greatly to the stability of municipal finance. If it is making the present pay for posterity, it certainly enables the present to proceed more rapidly than it might otherwise do in borrowing for non-productive purposes.

The water supply is provided by the municipality in about two-thirds of the county boroughs (57 out of 83) and nearly all the non-county boroughs, but of course in the metropolis it is in the hands of a single metropolitan authority, not municipal. Out of the 57, 7 were contributing to the rates, and 9 drawing for deficiencies. The gas supply is municipal in 40, or just under one-half the county boroughs, and 11 of these were contributing to the rates. Electricity in 75 out of 83 county boroughs is municipal, and 26 were contributing to the rates. Tramways, light railways, and omnibuses appear in the accounts of 71 county boroughs in England and Wales (15 contributing to the rates and 15 subsidized by the rates), ferries in 4, harbours, docks, piers, and canals in 19 (13 supported from the rates), aerodromes, incipiently at any rate, in 16, markets in 71,

cemeteries in 77, the great majority drawing on the rates. The miscellaneous items include mineral baths at Bath, pleasure services, winter gardens, etc., and entertainments of various kinds at Bournemouth, Brighton, Eastbourne, Yarmouth, Hastings, Norwich, Plymouth, Southend, and Swansea. There is a municipal conditioning house at Bradford, a racecourse at Doncaster, a restaurant at Hull, cold stores at Wolverhampton, and a dairy at Worcester. There is a municipal bank at Birmingham, with deposits amounting to £14,000,000. Birkenhead has powers for one, but they are stringent and inoperative. Glasgow has been applying to Parliament for powers. It is probable that where the desire is to provide capital for municipal enterprise, the possibility of carrying on a municipal bank on true banking lines is very limited, and in the event of a run on the bank by the depositors such a bank would be very dependent on the ordinary fluid banking system of the country to help it out. Of these miscellaneous items there are five which are contributing to the rates, and fifteen which are supported, five being "neutral." Motor-bus services were run by sixty-six towns (of all standing as boroughs) in 1927.

The gross outstanding loan debt, 1931-32, under the official heading of "Trading Services" for England and Wales, was:—

(ooo's omitted)

	Non-County Boroughs	Metropolitan Boroughs	County Boroughs	Total
Water supply .. .. ..	£ 11,218	£ —	£ 72,465	£ 83,683
Gas supply .. .. ..	4,724	—	17,779	22,503
Electricity supply .. .. ..	16,725	11,458	83,453	111,636
Tramways, etc. .. .. ..	2,003	—	21,975	23,978
Ferries .. .. ..	62	—	1,348	1,410
Markets .. .. ..	420	5	3,497	3,922
Cemeteries .. .. ..	410	175	1,198	1,783
Harbours, docks, piers, and canals .. .. ..	594	—	14,993	15,587
Miscellaneous .. .. ..	392	—	1,698	2,090
To credit of sinking funds ..	36,548 2,248	11,638	218,406 20,238	266,592
Net outstanding.. .. ..	34,300	—	198,168	—

While municipal trading is less a political issue than it was, opinion seems to be leaning towards management of these "utilities" by non-partisan bodies, not subject to the vagaries of elections. Councillors are not necessarily good directors, but they have usually been able to discern and command good management, and as much power seems to lie in the hands of the executive, in practice, as with that of joint stock companies.

#### THE RAISING OF CAPITAL

The outstanding characteristic of the present vast and yet not very complicated system of municipal borrowing, is the statutory limit that is put upon the duration of outstanding debt. A company, whether for electricity or gas or any other enterprise which a municipality can engage upon, has a capital which, apart from redeemable debentures, is assumed to be everlasting. Accountancy demands merely that the assets upon which the money has been spent shall be maintained out of profits and be renewable without further capital expenditure. This doctrine fails of achievement in two cases. First, wasting assets, such as a mine that cannot be renewed and disappears. Here amortization of the original capital can be made year by year out of profits, so that the shareholders may be presented with a lump sum equal to their original capital at the expiration of the life of the mine. But more commonly the dividend is paid away gross, without any such deduction, and when the mine is exhausted the dividends cease and the capital has gone. The shareholder knows that he cannot eat his cake and have it. It is for him to make his own sinking fund, if he wishes to retain his capital.

The second case is where there is a permanent change in the price-level. A shipping company, for example, that owns a vessel costing £200,000, would ordinarily satisfy the requirements of propriety and accountancy if, at the end of the life of the ship, it has reserved out of the annual profits the original cost of £200,000. But if the price level has changed so that a similar vessel cannot now be bought for a sum less than £300,000, then it is necessary to raise an additional £100,000 of capital. There are good economic reasons for saying that the amount to be reserved each year should equal the replacement value and not the cost. These are the only exceptions to the company rule about maintenance of assets and permanence of capital. In the case of municipalities, however, it is always assumed that the original debt of capital should be repaid. The rates or charges, therefore, must be increased

beyond the commercial limit for meeting the sinking fund. The ratepayer is not only paying the annual expenses but is also "buying the concern." In the case of a municipal concern, it may have to bear the double burden of renewing its plant *and* replacing its capital. For example, if £1,000,000 is borrowed and spent on a £1,000,000 worth of plant, at the end of thirty years when the plant is worn out they ought to have in hand £1,000,000 for replacing it, and also to have repaid the £1,000,000 of debt. Frequently, however, they only perfectly achieve one of these objects, and the whole or part of the exhaustion of "subscribed" capital falls to be reborrowed. The characteristic of municipality borrowing, therefore, is that there is a definite term within which it must be redeemed, and these limits vary widely, and rightly, according to the several purposes to which money may be applied. Sometimes the period has been stipulated by Act of Parliament, and sometimes it is discretionary to the controlling Department. The effect of these provisions has been twofold. It makes the local authority careful before the money is borrowed, and therefore more critical of the proposed enterprise, but it also gives a stability of character to municipal indebtedness which it would otherwise not possess. It would be fatally easy to pile debt upon debt, make no effort at repayment, in order to keep the rates down, and soon exhaust the borrowing capacity of the neighbourhood. As it is, however, the borrowing capacity of a municipality is constantly being repaired, even if the municipality does not grow in size.

The longest period during which a loan may remain outstanding is eighty years in the case of the Housing Acts and the Small Holdings and Allotments Act. This represents the period during which the whole debt must disappear, but it does not prescribe the actual sinking fund terms of any loan raised in connection with it, e.g. the stock might have a term of thirty years only, and this would involve reborrowing part at the end of that period, whereas reborrowing at the end of the eighty years' period would not be permissible, and the sinking fund provision, not for the loans but for the expenditure, should make it unnecessary. The limit of time for borrowing under the Libraries Act is sixty years, and a similar limit applies to most loans for Public Health purposes. Powers in this case are also restricted to two years' rateable value.

Amongst the things which Government control prevents a municipality from doing are:

- (1) Borrowing for works that are not really required, and for which no good case can be made out.
- (2) Exceeding a fixed total borrowing—a correct limiting of rateable capacity.
- (3) Not dealing properly with all property that is displaced or made obsolete by the new expenditure; and
- (4) Borrowing money for spending upon short-period or ephemeral luxuries.

The Government control, of course, keeps the practice very uniform, and within the maxima laid down by statute. It has generally proceeded in the past by local inquiries through Government inspectors, but the procedure in this respect is much more elastic since 1929 than it used to be, and some of the old rule-of-thumb tests are also not *necessarily* applied.

If the municipalities had been, on the whole, borrowing up to the limit of the regulations, it is obvious that any responsibility for top-heaviness of local finance would rest upon those regulations, rather than upon the local authority itself. Not all municipal finance consists of long-dated loans in the open money market. In some of the larger municipalities an issue is made through a finance house under very much the same economic conditions as an issue by a business concern. In other and less important cases the money may be supplied, without any Stock Exchange quotations, from semi-private sources—a direct investment of the whole sum by a life insurance company or other concern with large funds and, generally speaking, in this case the period of the loan is much shorter. There are also specific mortgages, local bonds, and loans from the Public Works Loan Commissioners, particularly in the case of the smaller municipalities. Bank overdrafts, of course, are frequently resorted to and carried for temporary purposes, which often assume a relatively more permanent character in the course of time.

Corporations having power to invest accumulations of their own sinking funds in their own securities, get sanction for a new loan, but instead of issuing fresh stock for subscription, put in their own accumulations from other loan sinking funds. Much of the criticism in the past on this subject was misconceived.

The practice of “borrowing from itself” came about accidentally in many cases. Before the Education Act of 1902, the old School Board often obtained loans from the borough, representing either an invest-

ment of sinking fund accumulations on the credit of the School Board rate, or else money specially borrowed on the security of the borough fund, and lent without profit to the old School Board. So when the borough became the education authority it was automatically debtor and creditor in the same loans.

Again, nothing was simpler than for one borough to invest its sinking fund accumulation in the stock or loans of another, and for the latter to act reciprocally. The exchange of funds soon led to the use of one's own sinking funds in place of going outside for new money and new investments simultaneously.

A municipality may have many separate sinking funds, and under one act or in one department may have accumulated a large sum towards its obligations, and at the same time in another fund it may be borrowing afresh, so that it may have a simultaneous action as investor and borrower. From this position has arisen the possibility or practice of borrowing from itself and using its own sinking funds for reinvestment elsewhere, instead of borrowing anew from outside, and this system is a development of the investment of sinking funds in the loans of other municipalities. Inasmuch as the loan sanctions remain unaffected, there is nothing intrinsically unsound or dangerous in the process, and the sanctity of specific and separate sinking funds is no longer observed. It leads to simplification and consolidation, so that a single general contribution from rates or revenue, afterwards allocated to the specific uses, becomes feasible.

The essential element of safety lies in the sanction for the new loan, and in limits on all loans outstanding, and not in any meticulous guarding of the cash box. The consolidated loan fund is a natural growth of these practices and of convenience. The general redemption contributions from the revenue accounts (rates and profits) are merely an aggregation of individual sanctions, and the fund is no less sound than its parts. It has to be managed in such a way as to have the sums ready to meet the detailed obligations as they mature. There is a "model" constitution for such funds approved by the Ministry of Health and the Institute of Municipal Treasurers and Accountants, which can be adopted by a private Act.

The consolidated loans fund arrangements now merge all the indebtedness, and the sinking fund applications are worked in such a way as to provide, as required, the maturing obligations of the borrower. There may be a surplus of unused redemption moneys in

the fund to enable this to be done, or borrowing, under powers already sanctioned, may be exercised, belated it may be, for the purpose, subject to the usual sanctions.

Where small items of capital expenditure recur frequently, with an incidence that is practically annual, it is not uncommon to take them "in the stride" so to speak, and to meet them in full out of the annual rate contribution. It makes for simplicity, and is not greatly different in incidence from an elaborate spreading of the burdens over a period of years. In some cases capital expenditure has even been anticipated by the building up of a general capital fund out of rates, etc., which is then available to meet capital expenditure when it comes along and avoid special borrowing and charges for interest. If this proceeds by virtue of a plan to keep capital expenditure per unit of ability to pay, say, the rateable value of an expanding town, fairly constant over a period of years, then it has the merit of foresight, but in general the taxpayer's money ought not to be extracted from him "in the abstract," but only as it is definitely wanted.

#### THE SEPARATION OF FUNDS

The separation of the funds in the Accounts is very complete, and the duties taken over as the Public Health authority in 1875 are represented in finance by a completely distinct entity. The District Fund covers the whole receipts and expenses of these functions, except that provision was made for any expenses incurred by a borough council, which before the Act of 1875, were payable out of the borough fund or rate, could continue to be charged and defrayed out of the borough fund and not out of the district fund. For this reason many corporations deal with cemeteries, markets, and slaughter-houses as part of the borough fund, and not of the district fund.

Under the Municipal Corporation Act, 1882, which, of course, was later than the transfer of the responsibility for public health, if a borough rate exists, no part of the borough fund can be used for any other than borough fund purposes, no part of its income is available for payment of district fund interest.

The number of funds is rarely less than two, and, where a special education rate is levied, three. In some cases, for a time at any rate, the revenues of the borough fund have been enough to cover its expenses, and no separate rate has been necessary. But three separate rates have been found till recently for lighting, sewerage, and improvement, besides the general district rate. A sea defence rate in a

Cinque Port borough is readily comprehensible, both in intent and origin: it has been levied on the basis of the poor rate, but not over the same area or all the properties.

The adoption of the Public Libraries Act does not finally determine the incidence of the expense, for that may be met either out of the borough fund or rate, or out of a separate rate to be levied, and the latter course is sometimes laid down by the local Act.

There is a common distinction between the revenue from markets and cemeteries and that from other concerns, for in the former case all the receipts and expenses are brought into the borough fund, and not merely the balance. When local Acts require interest and loan charges to be defrayed first from the concerns involved, only the *balance* is brought in, but more generally such interest is a general charge on the borough fund revenues.

The general principle of transfers to and from industrial concerns to the rate funds is cut into by many local exceptions. Sometimes no transfer to meet a deficiency is made, and the loss accumulates suspended in the accounts of the concern, but as it cannot be capitalized it must sooner or later be met out of profits or out of rates.

It is impossible to be exact in a general statement because local Acts so considerably modify the application of the general statutes. There are, especially, restrictions imposed by local Acts on the disposal and application of industrial profits, and these determine on which of the two main rate funds each industrial undertaking is charged, i.e. which is responsible for meeting deficiencies and to which transfers of profits may be made.

A borough adopting Part v of the Public Health Act, 1890, has power to issue stock. This stock can be purchased in the market out of sinking fund accumulations, for cancellation and redemption. The dividends on the cancelled stock continue to be charged against the rate funds or the trading profits, and are transferred to the loans fund—a book-keeping entry, but an important one.

#### FINANCIAL PROBITY AND AUDIT

The audit of municipal authorities goes, in general, considerably beyond the bare requirements of statute, though the framework is unaltered. The Municipal Corporations Act, 1882, came just at the birth of registered accountancy, and therefore did not even by then recognize its importance, or the necessity for technical skill. There are two elective auditors (qualified to be, but not actually, coun-

cillors, and not officials), and a member of the council as mayor's auditor. There was no stipulation as to ability or experience, and the annual character of the appointment made for lack of continuity. The fact that the accounts had to be reducible to terms of a common return to the Local Government Board secured some measure of uniformity. In course of time the scope of the District Auditor of the Government Department covered the whole accounts of quite a number of smaller boroughs, and also certain special accounts (education, housing) of them all. The grant-in-aid system enabled this kind of control to be extended. The weakness of the borough statutory audit lay not only in the personnel, but also in the *scope*, for it applied to the "Treasurer's accounts," which often meant the cash account and bank pass book. Auditors had even here very different ideas as to the extent of "vouching" that was desirable. The case of *Thomas v. Devonport Corporation* made it clear that just ticking of vouchers was not enough, and a real examination into the nature of the payment was involved. Fees, under the 1882 Act, were conspicuous by their absence. The vast extent of the financial operations of modern times has strained these simple laws to their limits. In a typical city accounts for 1933, the two elective auditors each sign a separate certificate that they have "duly audited" the Accounts of Receipts and Payments of the Treasurer, with the necessary vouchers and papers, and have found the same correct—but they are both chartered accountants! A councillor, as mayor's auditor, says "the accounts have been submitted to me for audit, and *from my inspection I am of opinion that the same are in order.*" Then comes the real certificate by a firm of chartered accountants, auditors appointed by the Finance Committee. They accept the various trading accounts audited by other professional accountants, certify that they have reported in detail to the Finance Committee on the scope of the work carried out; that they are satisfied with the system of internal audit, and that with the test they have "put on the accounts" it is sufficient to enable them to say the published accounts present a "true and correct view" of the transactions. Altogether some six firms have a finger in all the municipal pies. Contrast this with the certificate a hundred years ago in this same borough: "The half year accounts audited by W. James Esq. and W. Keeling Esq., Borough Auditors, C. Clifford Esq., appointed by the Mayor." In Scotland the auditor is always a qualified accountant, generally living away from the borough, and is appointed by the Secretary of State.

A considerable degree of standardization of accounts was enacted

in 1925, although an important official investigation had been made as long ago as 1906–7. The Treasurer is required to make up his accounts each half year, within a month, for submission with vouchers to the auditors, and after the second half year to present a full abstract for the whole year. Ratepayers may inspect the abstract or buy a copy at a reasonable price. There is no power of surcharge vested in the local auditors. As indicated above, large corporations frequently employ professional firms also, and in a few boroughs, under local Acts, the district auditors under the Ministry of Health are auditors, while to boroughs generally it is now permissive to secure the services of these district auditors.

The part played by the non-professional auditor in the large boroughs is increasingly redundant or unimportant from a purely audit point of view. But for maintaining interest in financial propriety, and giving the same sense of actuality to those who "order," for the final responsibility of payment, that comes to the householder in his own expenditure, this audit has much moral value.

This sketch of the development of municipal finance over a century from primitive beginnings to a time when separate corporations have "debts" equal to the whole budgets of the smaller nations, and a financial credit far superior to any of them, and equal, indeed, to the national credit itself, has omitted much technical detail. But in its examples and its impressionism it conveys the story of all municipal progress in the one common denominator expressing its protean activity. Municipal finance can no doubt be regarded as the expression of an objective reality of municipal service and property, and, therefore, as having no greater quality than what it presents and represents. But finance is no mere clothing, it is organically related and if it is supple, faithful and reliable, it facilitates and even creates, so that municipal activity itself is the better and the greater for its financial excellence. As a nation we have every reason to be proud not only of the progress of a century in municipal finance, but also of the actual stage of excellence which has been reached, for our fine system of local government finance will stand comparison with the systems in force in the local governments of any other country. Weakness of civic authority abroad may often be found to rest not a little in the faulty character of municipal finance, but in Great Britain we may rest satisfied that it is worthy of our best traditions of self-government, probity and ordered development.

## CHAPTER XVII

# PARLIAMENT AND THE LOCAL AUTHORITIES

by

JOHN WILLIS

“THE modern system of English local government owes little to historical development. It is not a growth: it is a creation.”\* The creator is Parliament, of course, and the short space of the hundred years which have just passed its creative six days. But Spencer’s dictum must not be misunderstood. The startling transformation of a collection of heterogeneous local bodies into a coherent and nation-wide system of modern local government may, it is true, be pieced out from the Statute Book, but the importance of the part played by Parliament in the process is liable to be exaggerated. The man in the street thinks of Parliament as issuing peremptory commands, waving its magic political wand, and—hey presto—workmen’s compensation or national health insurance appears. He does not realize that local government law has not, for the most part, emanated from Parliament in any but a formal sense: that modern local administration is the still unfinished product of a long series of private Acts, obtained by local bodies on their own initiative and at their own expense: that in passing a private Act Parliament does not command, but merely adds one new power to the armoury already possessed by its petitioner. Remember, further, that in the past Parliament has acted not as the legislative, but the administrative, head of local government. It has not created new law for local authorities: it has applied old principles to new situations—although from time to time, at the suit of individual authorities, it has stretched them, judge-like, to cover claims which it considered worthy of recognition.

A century ago Parliament, wholly unconscious, like the man in the street, of the true nature of the functions it performed in passing a local Act, administered through legislative forms and refrained from enunciating in general Acts those general principles which are characteristic of true legislation. Since then there have been great changes. Parliament still passes local Acts, and these local Acts are still of major importance, but the history of the relation of Parliament to local

\* Spencer, *Municipal Origins*, p. 3.

authorities from the Municipal Corporations Act to to-day reveals a growing differentiation of function which manifests itself in three main tendencies: first, the emergence of Parliament as a true legislative body enunciating general principles of local administration, using on occasion the tones of command; second, the evolution in Parliament of a procedure which recognizes the administrative nature of local legislation by giving full scope to investigation of facts and informed discussion of particular local needs: third, the delegation to the Government departments, traditionally charged with the application of law to individual instances, of much of the work which Parliament has been accustomed to perform itself by means of local Acts. Each of these tendencies requires to be examined separately.

## I

## THE GROWTH OF GENERAL LEGISLATION

When Parliament interrupted a tradition of centuries by its first active interference with local government, it broke in upon a local autonomy which knew not general Acts, departments, or duties. Although local Acts had by 1835 long ceased to be any novelty—fully a hundred years before that small groups of enterprising townspeople, in despair at the corruption and inactivity of the borough corporations, were petitioning Parliament for the power to pave and light their towns—every grant of new power, however normal, still took the form of an Act containing clauses whose substance and form were alike dependent upon the whim of the petitioners, while Parliament still conceived of itself not as an administrative body, approving the adoption of old principles in a fresh locality, but as a legislature, creating a multitude of new laws. The passage of the first general Act in 1833, the adoptive Lighting and Watching Act, marks the first step in a gradual process of generalization, based not upon any constitutional theory—constitutional changes are dictated by facts—but upon the pressing necessity of relieving congestion in Parliament and curbing the growing lack of uniformity in local administration.

The most primitive type of general legislation is a Clauses Act, of which the Towns Improvement Clauses Act, 1847, is the outstanding example. A hundred years of local Improvement Acts had produced a large number of provisions which were commonly inserted in each new Bill. In order to obviate unnecessary expense, save the time of Parliament, and insure uniformity in the wording of the

sections and the extent of the powers granted, a general Act, setting forth in 216 sections the provisions usually contained in local Acts for the paving, lighting, cleansing, and draining of towns, was prepared and passed for incorporation by reference in each new private Act. The Act, which is still in force, is a mere model, and has no legislative effect until passed into law as part of a private Act. This, the first and momentarily effective answer of Parliament to the complaints ever since levelled against procedure by private Bill, was an answer thoroughly in keeping with the spirit of its times, the jealous preservation by Parliament of a real supremacy over local administration; it stands in sharp contrast to the practice which later superseded it of setting out general principles in an enabling Act and leaving to a department their application to particular cases.

In the next stage up the evolutionary scale comes an adoptive Act. An adoptive Act stands half-way between a local Act and an Act applicable to all local authorities, for although it does not require incorporation in a private Act to be effective, it does not come into force in a district unless it is adopted by the local authority thereof. Like a clauses Act, an adoptive Act is invariably founded upon provisions in local Acts which have proved to be beneficial, and tends to be superseded by legislation applicable to all authorities regardless of adoption; but the past century has seen a remarkable change in their constitutional significance. An early adoptive Act, in addition to granting powers, constituted an authority for their exercise; an adoptive Act of to-day is a device for keeping the hand of the Ministry of Health heavy upon local authorities too progressive for their purses. To one of the mushroom towns of the industrial revolution a general Act empowering a non-existent town council to light the streets would have been useless; to be effective it had to take a wider scope than any general Act of to-day. With the growth of authorities exercising all the powers of local government within their areas, adoptive Acts lost their constituent element. To-day, while bread and butter powers are contained in Acts of general application, the luxury powers are adoptive, and require in general the consent of the Ministry of Health for their adoption. An institution which gave the fullest possible play to local initiative, and freed it from parliamentary influence, now serves to subject it to a ministerial control in no wise different from that exercised on the transfer by order of urban powers to a rural authority or the confirmation of a slum clearance scheme.

The final product of the process of generalization from local Acts

is an Act which grants new powers to all local authorities without any move by them; for instance, most parts of the Public Health Acts since 1875. There is, however, one further step which Parliament is now frequently invited to take, to jettison the principle of confining the powers of local authorities to those specifically granted and entrust them with general powers of local government; but Parliament is reluctant, even to the point of remaining deaf to persistent recommendations that Public Health Acts be passed more frequently, to cast any doubt upon its faith that the regular method for obtaining new powers should be by private Bill, and has so far refused to countenance so revolutionary a proposal.\*

Indeed, it is axiomatic that many general Acts, whether they grant powers, create machinery, or impose duties, are either founded directly upon, or draw their inspiration from, the private Acts obtained by local authorities on their own initiative. The constitution of local elective guardians of the poor under the Act of 1834 has often been hailed as a triumph of originality. But long before that date the principle was firmly established by a series of local Acts. Again, a precedent for the creation of local authorities of general jurisdiction, not fully realized by Parliament until 1929, is to be found in a Liverpool Act of 1846. A Liverpool Act of 1864, itself founded upon earlier Acts dating back to 1786, contains the germ of the first Housing Act in 1885; a recent Act empowering a local authority to spend money upon advertising its attractions has a striking history of development from local Acts, even to the extent of "trying it upon the dog," Ireland.†

General Acts which grant new powers involve no infringement of local initiative or autonomy: but Parliament abandoned its traditional aloofness when it came to pass Acts to reorganize the machinery of local administration and Acts imposing compulsory duties upon local authorities. Before 1834 Parliament had seldom interfered with local government except at the request of individual localities, but thereafter it repeatedly infused its own notions into local organization. The history of the constituent acts of the last hundred years shows Parliament actively winnowing Benthamite wheat from Benthamite chaff: the local elective principle is extended first to the guardians, then to the reformed boroughs, then to the local sanitary bodies, and finally to the last stronghold of privilege and the prerogative, the counties: the Poor Law Commissioners, the General Board of Health,

\* Finer, *English Local Government*, p. 188.

† Halsbury, *Laws of England*, vol. 23, p. 398 (j).

and the Local Government Board, their powers now united in the Napoleonic Minister of Health, are directly traceable to Parliament's acceptance of the Benthamite doctrine of strong central control. For the last fifty years, on the other hand, Parliament has been actively undoing the mischief which resulted from its too strict adherence to the *ad hoc* principle, and has concentrated on creating from the mass of overlapping authorities that resulted therefrom a single general authority for each territorial division.

Parliament went even further, replacing its "may" by "shall," until there is now a distinct tendency to employ the local authorities as instruments of a national policy conceived at Westminster. Parliament had rarely used the word "shall" until 1835, and even then it only imposed upon the reformed boroughs a minimum of obligatory duties. At the half-century "shall" crept tentatively into sanitary legislation: section 10 of the Public Health Act, 1848, provided for putting the Act compulsorily into force in dangerously unhealthy areas, but since the Act contained no duties, only powers, in practice there was no obligation to do anything. With section 49 of the Act of 1866, however, "the grammar of sanitary legislation acquired the virtue of an imperative mood." Housing legislation, although couched in imperative language from the very first, did not become truly compulsory until 1909.\* Now, however, the Housing Acts, together with the Education Acts, run counter to the previously received notions of local independence; they preserve the semblance of local initiative, it is true, by directing the local authority to prepare its own scheme and submit it for approval to the department, but housing and education have come to be treated as national questions, which Parliament entrusts to local authorities by reason only of their convenient geographical distribution and their available administrative machinery. Their emergency duties of coal distribution, first imposed during the World War and liable to be revived at any time under the Emergency Powers Act, can admit of no other interpretation.†

Concurrently with the pressure directly exercised upon local authorities by Act of Parliament, local freedom has, in certain fields, been diminished by the growing legislative powers of the departments. I do not refer to the replacement of a parliamentary committee by a department in local legislation‡—whether Parliament or a department

\* Housing and Town Planning Act, 1909, s. 10.

† Royal Commission on Local Government, *Minutes of Evidence*, vol. i, p. 303.

‡ See III, infra.

exercises this power is all one from the point of view of local freedom—but to the legislative functions which the departments perform as the tools of Parliament's centralizing policy, the confirmation of bye-laws and the implementing of skeleton legislation.

The power of the old chartered boroughs to make bye-laws "for good government and the suppression of nuisances" was not exercised by delegation from Parliament: it was a power over its members inherent in a corporation and subject only to the supervisory jurisdiction of the Courts. The Municipal Corporations Act extended this local legislative power and rendered bye-laws liable to disallowance by the Secretary of State. He did not hesitate to exercise his veto in defiance of local notions of policy, and later extended his influence still further by drawing up a list of model bye-laws which acquired such a degree of authority that for a local authority to adopt a substantially altered form was to invite refusal of confirmation.

Bye-laws lost their local character so gradually that the change was imperceptible, but those few cases where Parliament has imposed a department upon local authorities as a sort of subordinate legislature have been striking enough to command instant attention—striking, that is, as instances of an exceptional need calling forth exceptional measures. In each case the motive of Parliament was to give national coherence to activities which, though traditionally local, were liable to suffer under too great local diversities: for local feeling will tolerate a strait-jacket where it would rebel at annihilation. It was merely because the revolution in communications and industry made national problems of crime and poverty, because Parliament envisaged a national system of education, that such wide powers of legislation were given to the Secretary of State over police, to the Poor Law Commissioners and the Board of Education, and local freedom placed under the guiding hand of watchful departments. Despite these invasions, dictated by particular exigencies, the keynote of Parliament's policy is still respect for local independence—illustrated by the conferences with local authorities which now invariably precede the passage of legislation affecting them.

## II

### THE PLACE OF PARLIAMENT IN LOCAL LEGISLATION

Although Parliament rarely actively interfered with local government before 1834, the eighteenth century had brought it into contact

with local needs. The revolution in agriculture, industry, and transport resulted in a stream of petitions praying that this common be enclosed, this road constructed, this town paved: if Parliament was satisfied as to the expediency of granting the petition, it passed a private Act which set out the powers prayed for and declared the petitioner to be invested with them. Private Acts were now used to empower named persons to provide local services. Parliament's traditional indifference to private Acts extended at first to the local Acts into which they were rapidly developing, and, since the provision of services was at that time no part of government, even the rapidly increasing number of local Acts failed to draw attention to this incursion into local administration. That was not unnatural, for local autonomy remained undisturbed: Parliament continued an endorsing body, passing almost without scrutiny proposals which sought to attain similar ends by means of wholly dissimilar provisions. By 1800 Parliament was performing many administrative functions, but was still content to use the old legislative forms without modifying them to suit the content of the new Acts.

The result was chaos, both in Parliament, which was unable to cope with the huge increase in private business, and outside, where a multiplicity of *ad hoc* bodies equipped with an unnecessary diversity of powers was complicating local administration. As long as Parliament considers a private Act to be creative of new law, uniformity in local Acts remains unattainable; a metropolitan vestry will be permitted to acquire land compulsorily without seeking any approvals, and the Head of an Oxford college obtain authority to marry from a Canal Act.\* But around 1800 the two Houses awoke to the fact that, in general, a private Act merely applied old law, and, with the double object of relieving congestion in Parliament and attaining uniformity among local powers, started upon a series of reforms which eventually resulted in our private Bill procedure.

Pre-eminent among these reforms was the delegation of private legislation to a committee. Instead of being thrust by political pressure through a House which is ignorant of the facts upon which the petition is based—the eighteenth-century procedure—a private Bill is now sent for consideration to a committee which, like a court of law, hears the evidence of witnesses for and against the Bill, and the arguments of counsel upon the expediency of granting the powers asked for, even

\* Committee on Ministers' Powers, *Minutes of Evidence*, vol. ii, p. 124; Troup, *Home Office*, p. 219.

requiring precedents for them, and then goes through the clauses one by one before it reports in favour of the Bill. Parliament now rarely reverses the decision of its delegate, the committee, and while public excitement or skilful lobbying is sometimes successful in inducing the House to refuse any hearing before a committee,\* such a startling departure from the dispassionate attitude of the administrator is usually condemned.

The transformation did not take place overnight. Committees were successful enough in relieving congestion, but they did little to establish uniformity, a duty performed Titan-wise by the Lord Chairman in the House of Lords, and they deliberated in anything but a judicial frame of mind. Promoters secured the services of a member and an agent: by Standing Orders in the Commons the member was Chairman both of the committee to consider whether the Bill ought to be introduced and also of the committee to which the Bill was committed, and selected his own colleagues: in both Houses the numbers of a committee varied from sixty to two hundred, and the agent's duty was to see that "voices" were present when the time came for the committee to vote. It was not until 1837 in the Lords and a decade later in the Commons that Standing Orders finally removed private legislation from the shady side of political life by reducing the committees to four and five members respectively, selected by the Committee of Selection solely with a view to their competence and impartiality.

Until 1882, when the Police and Sanitary Committee was set up in the Commons, the personnel of committees was too varied to be any real check upon lack of uniformity in local legislation: Parliament was content to rely upon the Lord Chairman of Committees in the House of Lords and the reports of the departments.

The autocratic powers wielded by the Lord Chairman over all private legislation probably antedate by one hundred years the establishment of the quasi-judicial committees, while the first formal appointment in 1800 finds him performing functions exactly similar in kind to those he performs to-day, an expert administrator enforcing his own ideas of policy. He reads through all the private Bills before Parliament opens, making notes against clauses which he considers objectionable, and later interviews a member of the petitioning local body to discuss them. If the Bill is unopposed there is no appeal from his decision; if it is opposed it is in practice useless for the promoter to disregard it, for the House of Lords has consistently refused to

\* E.g., rejection of the Stoke Extension Bill, 78 *Lords Deb.*, p. 367.

overrule his refusal to commit a Bill. Exercising powers which were scarcely regarded as delegated, he was for many years the sole guarantee of uniformity in local legislation, and is still the official guardian of the Model Bill which, first issued by him in 1866 and annually re-edited, strictly controls in both Houses the form and content of private Bills. And as an expert on local matters he was the forerunner of the Local Legislation Committee.

Preservation of uniformity calls as much for patient book-keeping as for continuity of personnel, and Parliament naturally turned for aid to the Government offices. The Board of Trade had long been accustomed to report upon clauses contrary to the public interest in Bills which fell within its jurisdiction when in 1846 the House of Commons instituted the practice of sending each private Bill to its appropriate department for unprecedented or unusual clauses to be pointed out. Thereafter Parliament leaned heavily upon the departments: beginning in 1858 committees which disagreed with the recommendations contained in their reports were directed to give reasons and civil servants were asked to attend the proceedings to make statements and cross-examine the promoter's witnesses. So well did the departments carry out the important task of examining the principle of new social proposals at their inception and, sometimes, revealing to an innocent committee the barb in a seemingly harmless clause that they gained the confidence of both members and officials of the two Houses, and have developed from book-keeping clerks into advisers upon matters of policy. This tendency to regard local legislation as peculiarly susceptible of expert treatment is exemplified by the history of the Police and Sanitary Committee in the Commons.

An incident in 1882 suggested to the Commons that the combined efforts of the departments and the Lord Chairman were inadequate to keep local authorities within the framework of the general law. A further check was deemed necessary. The House accordingly adopted a new Standing Order which required any committee on a local authority's Bill to report specially how they had dealt with applications for unusual police and sanitary powers, but two years later they made the experiment of setting up a committee of fifteen members "to whom shall be committed all Private Bills promoted by . . . Local Authorities by which it is proposed to create powers relating to Police or Sanitary Regulations in conflict with, deviation from or excess of the provisions of the general law." Before its disappearance in 1932 this specialized committee had enjoyed a practically

continuous life of nearly fifty years, in the course of which it had so changed the nature of its functions that Parliament recognized it with a change of name. Not only did the widening concept of "public health" result in the growth of powers to provide services under the guise of "sanitary" activities, but the committee, slow to exercise its power of referring back clauses outside its competence, after considering the sanitary powers contained in an omnibus Bill would plunge into deep questions of municipal trading, until it came, in effect, to supervise all kinds of local legislation. This extension of jurisdiction was officially recognized in 1909 when the committee's terms of reference were widened, and it was renamed the Local Legislation Committee. Meanwhile the annual report, which listed the powers granted and the powers denied, continued to ensure the uniformity which was the original object of the committee, but the growth of a nucleus of members prepared to devote their parliamentary activities to a committee which was shaping the future of local government, and the respect paid to their decisions by the Local Government Board and the Lord Chairman, brought about a recognition that the merit of the committee lay more in the expert knowledge it brought to the examination of new proposals than in the duty to act as a brake, which the terms of reference suggest as its main concern. Even the 1931 recommendation that the committee be abolished was accompanied by a rider to the effect that local Bills be sent to committees with special reference to personnel.

Progressive local authorities complain that the administrative machinery described has been used to restrict social advance. Parliament does not deny it: very early in its career the Police and Sanitary Committee stated that they were not prepared to travel outside precedent, except for "strong local reasons." That is precisely the attitude which an administrative body should adopt. Nevertheless, just as in the common law new principles are continually emerging from courts who do not purport to create, but only to declare the law, so the line between what is and what is not a permissible activity for a local authority is continually being pricked out by the restless needle of parliamentary decision. Sanitary law was not created, it grew: the centre of gravity shifted to municipal trading: it is now to be found in the supply of social services, of amenities even. Advance there is, however slow the progress—it took twenty years to win two of the great battles of local legislation, the power to run tramways and to sell electric fittings—or imperceptible the stages: for there is

no period at which one can say "Here beginneth a new chapter in the book of local authorities," and yet twenty years ago a local authority would not, as to-day, have been empowered to provide Turkish baths or abate unsightly erections. The history of the last century reveals nothing to shake one's faith in the ability of Parliament to lead the diversely equipped authorities, stragglers, and hotheads, over the path of progress.

### III

#### THE PLACE OF THE DEPARTMENTS IN LOCAL LEGISLATION

Since local legislation consists, in the main, in applying old principles to new facts, one is not surprised to find departmental activities extended to that corner of the administrative field: anyone who considers it remarkable that Parliament should delegate local legislative powers forgets that private legislation has been in the hands of a delegate, a parliamentary committee, ever since 1800. One might well expect, however, that after nearly a century from the first instance of a provisional order the system would be in use for granting to any local authority any power accorded general recognition by a committee of Parliament. Why call upon an amateur legislator in London to give "hit or miss" answers to questions which an expert can decide by a visit to the country? But the vagaries of English political practice are unpredictable: strict adherence to the doctrine of the supremacy of Parliament has resulted on the one hand in a refusal to accept as a general principle any delegation of its traditional power however slight, and, on the other, in an astonishing relaxation of parliamentary control over an ill-assorted collection of specific subjects.

Ninety years have passed since Parliament, very jealous of its new-found supremacy, faced for the first time the problem of how to reduce at once the heavy cost of applying for a private bill and the increasing demands upon its time. Contemporaneously with the invention in 1845 of the Clauses Acts, an Act was passed requiring all local legislation to be examined at a local inquiry before its submission to a committee. Constitutional theorists were delighted: committees would continue to exercise an undiminished sway, but would be relieved from lengthy inquiries into disputed questions of fact. What actually happened was that committees, in a transport of parliamentary jealousy, refused to receive evidence taken at the

inquiry in proof of any contested matter, and made a point of deciding against the inspector's recommendations. The local inquiry degenerated into a futile preliminary skirmish and the result was two full-dress hearings instead of one. Parliament refused to have recourse to the only remedy, making final the evidence taken at the inquiry; and preliminary inquiries were heard of no more.

The provisional order system, which became the accepted solution, originated a year or two before the inquiry fiasco. The main features of this procedure are, except for slight differences of detail, substantially the same in all the enabling Acts—under which alone it is available. Instead of proceeding to Parliament the promoters petition the appropriate department: the department sends an inspector to hold a local inquiry, and if upon consideration of his report it approves of the proposal it issues an order: but before the order can have any legal effect it must be scheduled to a Bill and passed by Parliament. Although introduced there as a public Bill, if its opponents are courageous enough to continue their opposition the order is treated as a private Bill and referred to a committee. In legal theory a provisional order involves no delegation of legislative power, and cannot be reviewed in the courts—for it derives its force solely from its final inclusion in an Act of Parliament. But in practice Parliament relies on the prestige of the department and the passage of the order through Parliament is usually purely formal.

Beginning with the application of the Public Health Act, 1848, there is a rapid growth in the number and importance of the powers which may be obtained from a department by provisional order: the acquisition of land compulsorily, the construction of piers, harbours, tramways, and gas works are each in turn made over to the new local legislative function of the departments, until by 1875 the procedure has become commonplace enough to be used for the arrangement of all the minor details of sanitary administration, and in the Local Government Acts of 1888 and 1894 it has become common form.

The process of generalization and the displacement of Parliament, although based on the principle that local matters not worthy of direct legislation should be left to a department, has never been extended to cover all such matters. Scottish private Bills are, it is true, entirely withdrawn in 1899 from the consideration of a committee; they are not, however, handed over to a department. In England the procedure has been singularly successful—it has only once been withdrawn and then where the controversial nature of the subject-matter had come

to result in an inevitable duplication of inquiries—and yet, although a growing respect for it did indeed lead a committee at the end of the World War to recommend that all powers similar to those already conferred by local acts should in similar circumstances be obtainable from a department,\* the nearest approach to attainment of the objective is still made by the remarkable use which the Local Government Board and its successor, the Ministry of Health, have made of section 303 of the Public Health Act, 1875.

“The Local Government Board may, on the application of the local authority of any district, by Provisional Order, . . . repeal, alter, or amend any local Act . . . which relates to the same subject matters as this Act.” Would a Parliament of 1875 grant general powers of local legislation to a department? If so, would it signify its pleasure in an administrative section of a strictly sanitary Act? That is the interpretation which has always been put upon it by the Board. As long as a local authority which is desirous of obtaining new powers cheaply can produce a local Act containing one sanitary section, and can show that the powers that it asks for are regularly given by committees of Parliament, its Act will be “amended” by the insertion of a new enabling section. One can just understand the extension of a power already conferred by Parliament upon the applicant, even if it be controversial, like the power to run omnibuses; but when the Ministry of Health empowers a local authority to prohibit touting or hawking in a district frequented by visitors, or to regulate the height of buildings in the town, it does not really amend the old Act, it passes a new one. Whether *intra vires* or not, these activities, which have come in for criticism of late, illustrate the length to which a department will go in supplying a need which Parliament should have met long ago.

Instead of extending provisional orders to cover the whole field of local legislation, Parliament has tended to permit further reduction in its local legislative powers, intermittently and in varying degrees, whenever and wherever the clamour of local authorities for reduced cost happened to be loudest. Consequently, anyone who attempted to deduce the present relation of Parliament to local authorities by studying the Acts at present in force and disregarding their history would obtain a very confused picture: a licensing system for street hawkers requires the sanction of a parliamentary committee, an enormous project of slum clearance no parliamentary sanction of any

\* *Select Committee on Acquisition of Powers, 1918, Report*, pp. 3 and 6.

sort:<sup>\*</sup> a departmental order granting compulsory powers to purchase land for a main drain is without effect until embodied in a confirming Act, but if the land is wanted for educational purposes the approval of the department is enough.<sup>†</sup> Thus the present structure of local legislative procedure is like a geological section, different methods being typical of different periods, with no period unrepresented: for when Parliament adopts a new departure in procedure as a precedent for all future Acts, it does not bother to change the procedural provisions of earlier Acts, regardless of their being still in force.

The general direction of Parliament's innovations can be shortly described. Parliament began by making improvements in the details of procedure by provisional order: there was a general tendency—a stronger statement would not be justified—to replace the practice of embodying its own Standing Orders in each enabling Act by regulations to be issued by the department, and to make the holding of a local inquiry a matter for departmental discretion.<sup>‡</sup> It has ended by abandoning the procedure altogether: the order once issued becomes final and immune from challenge before the courts: the department stands in the place of Parliament. Between the two extremes there is a long history of slow development not, it must once more be insisted, in any way general, but confined to specific lines of legislation, of which housing, compulsory purchase, and the granting of electricity, water, gas, and tramway powers are striking examples. One example must suffice. The Land Clauses Act of 1845 was the first general Act on compulsory land purchase, but to obtain the benefit of it a private Bill had to be promoted incorporating its provisions. Under an Act of 1858 land required for sanitary purposes could be obtained without recourse to a committee by a provisional order issued by the department and confirmed by Parliament. The next step, taken in an Irish Act of 1875, was to dispense with the confirmation Act in the case of unopposed orders, and finally, in 1894, an order issued by a county council and confirmed by the Local Government Board is immune from attack either in Parliament or by the courts. The example fails to be typical in one respect only: the final scene in the drama takes place rather early: for it is not until the end of the first decade of the twentieth century that Parliament shows a preference for unconfirmed over provisional orders.

\* Simon, *A City Council from Within*, p. 102; Housing Act, 1930, part I.

† Public Health Act, 1875, s. 176; Education Act, 1921, s. 111.

‡ E.g. Electric Lighting Act, 1882, s. 5; Housing Act, 1890, s. 39(3).

Local authorities have thus largely lost their direct access to Parliament: apply for an order, and Parliament has no say: apply for a provisional order, and you must be content to accept the terms imposed by the department, if you wish to come into Parliament under the official wing: apply for a private Act, and the departmental report is in practice decisive of your case: there is no other method of obtaining new powers. But the tightening hold of the departments upon the local legislation has not escaped challenge.

There have been three distinct movements to turn the bureaucratic flank. The first was the establishment of a permanent tribunal of judicial character to administer a vastly extended system of provisional orders, which came to nothing, despite the experimental Light Railways Commission of 1896: it was feared that its decisions would become stereotyped upon quasi-judicial lines of precedent and stifle progress. The second represents one facet of the devolution movement. The framers of the Act of 1888, which at long last introduced into county government the principles of democracy and central control, fully intended that the county council should take over many of the powers till then exercised by the departments, and in time replace the departments as intermediaries between Parliament and the lesser local authorities in their areas. A few unimportant transfers were actually effected by this Act and the Act of 1894, but it was left to the Local Government Board to transfer from the department to the county council any statutory powers or duties "which appear to relate to matters arising within the county, and to be of an administrative character": in 1889 a provisional order was duly made transferring, among other things, the extensive legislative powers of the Board of Trade and the Local Government Board under the Gas and Water Works Act, 1870, and the Public Health Act, 1875, but the opposition of urban authorities, aggrieved that they should be subordinated to an authority which was traditionally rural and hence, of course, inherently inferior, was such that Parliament refused to confirm it. Fifteen years later Parliament, not yet convinced that its project was a failure, empowered the transfer to be made to any county council which applied therefor. But no application was ever made: the movement was dead.

With the twentieth century Parliament became a true legislative body, laying down new principles of social conduct, and was forced by sheer pressure of time to leave the arrangement of all details to the departments, while the tendency to strip itself of its customary

powers ceased to be confined to local legislation. The third attempt on the life of the departments which began soon after the end of the World War was not therefore directed primarily to removing a young interloper from the sacred married bliss of Parliament and local authorities, but took the form of a general attack upon "bureaucracy," some of the skirmishes incidental to which penetrated, of course, into the field of local legislation. Recent years have witnessed even the courts using common law principles to assert for themselves a control over local legislation which long experience had induced Parliament to deny to itself. The departments claimed, arguing from history and common sense, that in those cases where the course or procedural evolution had replaced the fiat of the committee by an order directed to "have effect as if enacted in this Act," the courts were precluded from interfering with what was, after all, a legislative process: when Parliament substituted for a provisional order—with which the courts had never interfered—an order needing no parliamentary confirmation and directed in addition that it was to have effect as if enacted in the Act, the intention, said they, was clear. The courts held otherwise. In three decisions they succeeded in rendering a method which had been invented to provide a cheap and easy means of securing powers of slum clearance more expensive, complex, and uncertain than the promotion of a private Bill.\* Parliament is in sympathy with their aims. Ignoring, surely, the true nature of the final order it has acknowledged this claim of the courts by inserting in all subsequent Acts a provision expressly giving them control of the local legislative powers of the department.†

At the same time, but without reversing its tendency to leave with the departments the local application of settled principles, Parliament attempted to subject their enactments to its own continuous scrutiny: that is shown by the short but eventful history of Special Orders. From the committee on the Electricity Supply Bill, 1919, there emerged, undiscussed, a new variation upon the old theme of departmental orders, an order which required a positive resolution of both Houses to put it into effect. Here it seemed was the Utopian compromise between the two desiderata of avoiding expensive delays and ensuring something more than a fiction of parliamentary control. But the orders began to be fired through in batches, unexamined; in 1925,

\* *R. v. Electricity Commissioners*, [1924] 1 K.B. 171: *Ex parte Davis*, [1929] 1 K.B. 169: *ex parte Yaffe*, [1930] 2 K.B. 90, [1931] A.C. 494.

† E.g. Housing Act, 1930, s. 11.

therefore, the House of Lords passed a new Standing Order, referring all such orders to a Special Orders Committee to consider "whether there ought to be a further inquiry by a Select Committee." Result—there have already been complaints of undue delay and there is ever present the danger that the committee will reopen matters which have been elaborately discussed by the experts below.

What will be the end? Parliament has to some extent lost its direct control over local government: that is certain. But fully occupied as it is with enunciating new principles to meet the social and economic evolution which is taking place to-day, sound administrative technique requires it to go further and leave the application of all the old to those organs whose traditional duty it is to "execute the laws." The piecemeal and unorganized delegation of local legislative power which is typical of the past is destined in time to give way to a uniform policy of general delegation, and when Parliament realizes that the surest check upon abuse of power by the department is not legal but political, the unwillingness of a Minister to face the scathing fire of question time, the supreme legislative body will cease clinging to vestigial powers which have come down to it from an era of amateur government and regretting a supremacy which has not in fact been lost but only changed in nature and emphasis.

## CHAPTER XVIII

## CENTRAL CONTROL

*by*

W. IVOR JENNINGS

## I. BY THE COURTS

## I

A LARGE part of the early history of the English Constitution is occupied by the story of the successive attempts to control local jurisdictions. The attempts were not fully successful until the reign of Henry VIII. Then, their success paved the way for their downfall. The whole organization of central control was abolished with the Star Chamber, and, apart from the investigation of municipal charters under the last two Stuarts, all administrative forms of control ceased. There remained only the normal jurisdiction of the common law courts to supervise the activities of local judicial bodies, and the slight and rarely exercised powers of the Home Office in respect of peace and good order.

Consequently, the central government allowed the local authorities of the eighteenth century to govern as they thought fit. "The justices of the peace," say the Webbs,\* "enjoyed in their regulations an almost complete and unshackled autonomy. Unlike a modern county council making byelaws, quarter sessions was under no obligation to submit its orders for confirmation to the Home Secretary or to any other local authority. Moreover, the justices were, in their own counties, not only law-makers, but, either collectively or individually, themselves also the tribunal to adjudicate on any breaches of their own regulations. Again, the juries of the manor, of the court of sewers, of the hundred, and of the county, were always 'interpreting' the local customs, and restricting or extending the conception of public nuisances, active or passive, according to contemporary needs, or new forms of the behaviour of individual citizens and corporate bodies; whilst the inhabitants in vestry assembled, or the little oligarchy of parish officers, were incurring (and meeting out of the ancient church rate) expenditure on all sorts of services according to local decision, without any one

\* *Statutory Authorities*, p. 352.

having any practical power of disallowance. As for the municipal corporations, they regarded their corporate property, their markets, their tolls, their fines and fees, as well as their exemptions and privileges, as outside any jurisdiction other than their own."

This does not mean, as some have inferred, that such "local authorities" could do as they pleased. They derived their authority from law, and they could be kept within the limits of their powers by the superior courts of law. What it means is that there was no central body outside the courts which took cognisance of their activities. There remained a judicial control; but it was a control exercised only in individual cases, when some person took steps to challenge as illegal some action which an "authority" had taken. The parish officers were subject to the control of quarter sessions; but the manor, the municipal corporation, and quarter sessions itself were subject to no control except that of the superior courts.

## II

When the modern local government lawyer thinks of judicial control, the words which leap to his mind are "*ultra vires*." That phrase was not unknown at the end of the eighteenth century. The *New English Dictionary* refers to a footnote in Hutcheson's *Justice of the Peace*, published in 1806. But it was certainly not in common use as expressing a doctrine. It is not mentioned either in the analysis of contents nor in the index in the standard work on corporation law, Grant on *Corporations*, written in 1850. Brice on *Ultra Vires* was not published until 1874.

Brice says\* indeed that the doctrine is of modern growth. "Its appearance as a distinct fact, and as a guiding or, rather, misleading principle in the legal system of this country, dates from about the year 1845, being first prominently mentioned in the cases, in equity, of *Colman v. Eastern Counties Rly. Co.*† in 1846; and at law, of *East Anglian Rly. Co. v. Eastern Counties Rly. Co.*‡ in 1851. At the period now mentioned the great railway companies were being projected and developed. For the making of these lines there were required larger funds than any partnership, however numerous, could possess, and compulsory powers of a description utterly beyond the royal prerogative to confer by Charter on any individual or association.

\* *Ultra Vires* (2nd edn., 1877), pp. x-xii.

‡ 11 C.B. 775; 21 L.J.C.P. 23.

† 10 Beav. 1; 16 L.J., ch. 73.

Consequently application was made to the Supreme Legislature, by whose sanction corporations were called into being, authorized to raise the necessary capital by methods analogous to those used by joint stock companies already in existence, and authorized to acquire, by coercive means where amicable overtures were rejected, the lands, houses, easements, and other proprietary rights needful for the profitable prosecution of the undertaking. Scarcely had these bodies been created than questions were raised as to the exact nature of the powers and other incident so conferred upon them." Hence the need for the courts to determine the legal status of these corporations, and hence the doctrine of *ultra vires*. "It is thus the creature purely of judicial decision. It was originated by the courts *proprio motu* upon grounds of public policy and commercial necessity, and to meet and provide for circumstances which called for the intervention of some strong hand, but for which the State had not directly provided."

This statement is historically correct, but it must not be taken to mean that local authorities in the eighteenth century could do as they pleased. Strictly speaking, an act is *ultra vires* if the Corporation has no legal power to do it. Now it is quite obvious that when quarter sessions or a municipal corporation before 1835 wanted to do an act there had to be some legal authority for it. Neither body could enlarge its own jurisdiction. Consequently, it would have been possible to write of *ultra vires* acts before 1835. The term was not used because, in the main, it was developed to cover special types of action under alleged statutory authority. Quarter sessions and corporations had their constitutions determined by common law. The justices of the peace, it is true, administered "stacks of statutes," and quite frequently the courts were called upon to determine the extent of the powers which they gave. Such a book as Bott's *Poor Laws* and the mass of case law in the successive editions of Burn's *Justice of the Peace* bear witness to the importance of the courts in this respect. But the justices and the constables had large powers at common law, while the manors and the boroughs proved their privileges by reference not to statutory authorities but to grants, local customs, and privileges established by prescription.

Indeed, the term *ultra vires* was rarely used of the justices. It was useful to denote an act committed without statutory authority by one of those independent statutory authorities which became common by the end of the century. It was necessarily applied to the railway companies and the other joint stock companies established in the

first half of the nineteenth century. It came to be applied to municipal corporations when it was shown that the Act of 1835 had fundamentally altered their nature. From them it was extended to the new statutory authorities, the urban and rural sanitary authorities, the county councils, the urban and rural district councils, and the metropolitan borough councils. The earlier law books were concerned not with *ultra vires* but with jurisdictions and powers; they were concerned, that is, with the positive and not the negative aspect of powers. Brice on *Ultra Vires* was the same kind of book as Kyd or Grant on *Corporations*. The growth of the statutory corporations had, however, emphasized the importance of interpreting the empowering provisions of statutes, and of determining what happened if a contract was entered into, or property was acquired, or a tort was committed, outside the ambit of those powers. The subject then became so immense that a book on "Corporations" was impossible. Hence such books as Arnold on *Municipal Corporations* (and this title ceased to cover a separate branch of the law when the Local Government Act, 1933, generalized the law as to the organization of local authorities) and Buckley on *Companies*. The only topic common to all corporations was then the nature and consequences of the doctrine of *ultra vires*. Street on *Ultra Vires*, unlike the book of Brice's on which it was founded, is not a treatise on corporations, but a treatise on *ultra vires*.

### III

Municipal corporations were brought within the doctrine because of the change in their legal nature produced by the Municipal Corporations Act, 1835. They ceased to be forms of property and became instruments of government.\* The Act, says Brice,† "completely altered their nature, constituting them trustees of their corporate property for public purposes, and impressing a trust upon this property." This principle was arrived at by the courts in their interpretation of section 92 of the Act of 1835‡ and shortly after the Act came into force. It is to be found clearly expressed in the judgment of Lord Chancellor Cottenham in *Attorney-General v. Aspinall*§ in 1837, where it was also held that the Court could intervene by injunction on an information filed by the Attorney-General. This decision

\* See ante, pp. 62–63.

† *Ultra Vires* (2nd edn.), p. 227.

‡ Afterwards s. 143 of the Municipal Corporations Act, 1882; and now s. 185 of the Local Government Act, 1933.

§ 2 My. and Cr. 613.

was followed by Lord Cottenham in *Attorney-General v. Poole Corporation*\* and *Attorney-General v. Wilson*.† In *Attorney-General v. Lichfield Corporation*,‡ Lord Langdale, M.R., held that a corporation might be restrained from using the proceeds of a rate, or levying a rate, for *ultra vires* purposes; and this judgment was affirmed by Lord Cottenham. The rule remains law to the present day.§

The rule laid down in *Attorney-General v. Aspinall* referred to the corporate property, and all the earlier cases similarly dealt with dispositions of property. The municipal corporation had certain governmental powers under the Act of 1835, but the raising of rates still tended to be regarded as something exceptional. By successive statutes, however, functions were given to borough councils without any additional source of revenue. They were allowed to spend money on public baths and wash-houses,|| libraries and museums,¶ literary institutions,\*\* lunatic asylums,†† bridges,‡‡ recreation and pleasure grounds,§§ and highways.|||| And after 1872, if not before, they became public health authorities under the legislation that was consolidated in the Public Health Act, 1875. The corporate property no longer sufficed for the expenses involved, the levying of rates became one of the normal functions of the borough councils, and the control of the courts over *ultra vires* expenditure became a control not so much over the disposition of the corporate property as over the use of a borough fund that was fed at regular intervals by contributions from the ratepayers. The principle was, however, the same, and was indeed admitted in *Attorney-General v. Lichfield Corporation*.¶¶¶

#### IV

The cases quoted above are cases in which the Attorney-General contended that corporate funds or property had been used for purposes which were *ultra vires*. He sued as protector of the rights of the public because funds or property were being deflected to purposes which

\* (1838) 4 My. and Cr. 17.

† (1840) Cr. and Ph. 1.

‡ (1848) 11 Beav. 120.

§ See cases quoted in Jennings, *Local Authorities* (1934), pp. 252–56.

|| 9 and 10 Vict., c. 74.

¶ 8 and 9 Vict., c. 43; 18 and 19 Vict., c. 70; 29 and 30 Vict., c. 114; 34 and 35 Vict., c. 71.

\*\* 17 and 18 Vict., c. 112.

†† 16 and 17 Vict., c. 97; 18 and 19 Vict., c. 105; 25 and 26 Vict., c. 111; 28 and 29 Vict., c. 80.

‡‡ 13 and 14 Vict., c. 64.

§§ 22 Vict., c. 27.

|||| 25 and 26 Vict., c. 61.

¶¶¶ Supra.

Parliament had not authorized. He acted in precisely the same way as he acted in relation to charitable trusts. Indeed, in one of the early cases Lord Cottenham said that the trust imposed upon corporate property by the Act of 1835 was, in the legal sense, a charitable trust. An action in equity at the suit of the Attorney-General was therefore the appropriate remedy. This jurisdiction in equity was extended after the Judicature Acts by the grant of a power to make a declaration of law whether any substantive remedy, such as an injunction, was or could be claimed. The growth of extra-judicial methods of control, such as the district audit, has extended the importance of this jurisdiction.\*

Nevertheless, alternative remedies have been developed at common law. This is probably due in part to the fact that most local government lawyers are common lawyers and that, in spite of the Judicature Acts, there is still a distinction between those counsel who reside in the Temple and practise before the King's Bench Division and those counsel who reside in Lincoln's Inn and practise before the Chancery Division. But in addition the remedies of prohibition and certiorari are more appropriate where the allegation is, not that the act is or may be *ultra vires* in itself, but that it is or may be *ultra vires* because of the manner in which the decision has been or is about to be taken.

The development of this branch of the law is comparatively modern. It is significant that Brice, writing in 1877, does not mention the jurisdiction, though he does incidentally quote a few cases in which certiorari was used.† On the other hand, Street, writing in 1930,‡ discusses the matter at considerable length. Apart from the fact that a suit in equity for an injunction or a declaration was usually a more convenient remedy, the difficulty was that prohibition and certiorari were remedies used to prevent or quash actions by inferior *courts* which were outside their jurisdiction. It is only since the growth of the quasi-judicial functions of administrative authorities has been brought to the notice of the judges that they have definitely admitted that a local authority in dealing with individual cases is a "court."

Possibly the extension of the idea of "court" so as to permit certiorari to quash was made easier by the fact that an amending Municipal Corporations Act of 1837, in section 44, authorized the

\* See *Attorney-General v. Merthyr Tydfil Union*, [1900] 1 Ch. 516; and Jennings, *Declaratory Judgments against Public Authorities*, 41 *Yale Law Journal*, pp. 407-24.

† *Ultra Vires* (2nd edit.), p. 491.

‡ *Ultra Vires*.

bringing up by certiorari of orders for payment by a borough council. This jurisdiction was exercised in a number of cases,\* and was reproduced in section 141 of the Municipal Corporations Act, 1882, section 80 of the Local Government Act, 1888, and section 9 of the London Government Act, 1899. It must be admitted, however, that the decisions on which the modern rule is based were cases of certiorari or prohibition against central governmental bodies. Statutory provision was made for certiorari in respect of poor law orders,† and there were similar provisions in respect of tithe commissioners.‡ But in *R. v. Local Government Board*§ in 1882 Brett, *L.J.*, laid down a broad principle which has been much relied upon in more recent cases. "My view of the power of prohibition at the present day is that the Court should not be chary of exercising it, and that wherever the Legislature entrusts to any body of persons other than the superior Courts the power of imposing an obligation upon individuals, the Courts ought to exercise as widely as they can the power of controlling those bodies of persons, if those persons admittedly attempt to exercise powers beyond the powers given to them by Act of Parliament."

This statement was referred to in *In re Local Government Board*|| as "general sailing orders for future times." It was clearly dictated by the notion that the judicial activities of public authorities were exceptional and that the superior courts, which were the natural bodies to exercise judicial functions, should use all the remedies which could be made available for keeping narrowly within their limits the authorities exercising such powers. The courts were not slow to follow this lead, and a series of cases from 1882 onwards illustrates the rapidly developing notion of "court," both for prohibition and for certiorari. The nineteenth century cases are by no means consistent, and they do not in fact recognize that a local authority may be a "court."¶ But a new line of decision begins with *R. v. Woodhouse*.\*\* There the Court of Appeal made it quite definite that a "court" was a body which exercised judicial functions, and that judicial functions were functions which were not ministerial.

Now, every function of a local authority which involves a decision

\* See Short and Mellor, *Crown Office Practice* (2nd edit.), p. 75.

† Poor Law Amendment Act, 1834, ss. 105-7; Poor Law Amendment Act, 1849, s. 13. See the cases quoted in Robertson, *Proceedings by and against the Crown*, p. 128.

‡ See Robertson, op. cit., p. 129.

§ 10 Q.B. 309.

|| (1885) 16 L.R. Ir. 150; 18 L.R. Ir. 509.

¶ See cases quoted in Short and Mellor, op. cit., pp. 81-83; and Robertson, op. cit., pp. 122-30.

\*\* [1906] 2 K.B. 501.

taken in respect of an individual, and which is not in pursuance of a mandatory statutory provision or of a specific and legal Departmental order, is in this sense judicial. This was made quite clear by the decision of the Court of Appeal in what is now the leading case, *R. v. Electricity Commissioners*,\* and in *R. v. Minister of Health, ex parte Davis*.† Accordingly, it is not surprising that the Court of Appeal has regarded the grant of a cinema licence by a local authority as a judicial function,‡ and that the Divisional Court has regarded the grant of permission to develop land under an interim development order as being similarly a judicial function.§

Thus, it may now be laid down as a general proposition that every decision of a local authority which has reference to an individual and which involves the exercise of a discretion is a "judicial determination." The local authority is then a "court," and if the decision or proposed decision is *ultra vires*, or if the decision has been taken in some improper way, the courts have power to intervene by certiorari or prohibition. The relation of this common law method of control to the equitable method of control by injunction or declaration has never been investigated, and it appears likely that the choice of remedy is largely determined by the experience of counsel retained for the persons who propose to challenge the order.

In some cases, however, the common law control by certiorari has proved to be noxious to good and efficient administration. For certiorari might be sought, as in *R. v. Minister of Health, ex parte Davis*,|| after the local authority has taken steps to put the order into execution. That case decided that a substantial number of schemes under the Housing Act, 1925, was illegal. As a result of the case and of the preliminary proceedings in *Minister of Health v. The King*¶ a special procedure for obtaining a judicial verdict on housing schemes was inserted in the Housing Act, 1930. A similar provision was made by the Town and Country Planning Act, 1932, and by the Local Government Act, 1933. It seems likely that this precedent will be regularly followed, so that the importance of certiorari and prohibition in matters of local government will tend to diminish.\*\* In any case, complaints of the delay and expense involved in the issue of prerogative writs have resulted in a provision of the Administration of Justice

\* [1924] 1 K.B. 171.

† [1929] 1 K.B. 619.

‡ *R. v. L.C.C., ex parte Entertainments Protection Association*, [1931] 2 K.B. 215.

§ *R. v. Hendon Rural District Council, ex parte Chorley*, [1933] 2 K.B. 696.

|| [1929] 1 K.B. 619.

¶ [1931] A.C. 494.

\*\* Certiorari in respect of the district audit has been abolished.

(Miscellaneous Provisions) Act, 1933, under which Rules of Court may be made to simplify and cheapen the procedure.

The remedies mentioned above are means by which the courts prevent or quash *ultra vires* acts. But an act may be more than *ultra vires*; it may injure an individual and so give him personally a right of action. Here the development of the doctrine of *ultra vires* has caused some difficulties. The principles applicable are for the most part not peculiar to local authorities, but are common to all kinds of corporations. It will be enough, therefore, to mention them without undertaking the long and painful task of tracing their history.

In respect of contracts, there were two difficulties arising out of the legal nature of a contract. A corporation can contract in two ways only. Either it binds itself by a contract under the corporate seal, or it is bound by a contract entered into on its behalf by a servant or agent. To ask a local authority to seal every one of its minor contracts was to ask an impossibility; and much of the time of the courts has been occupied in the development of exceptions to the general rule. In the case of local authorities the task was complicated by the special provisions of some of the Local Government Acts, especially section 174 of the Public Health Act, 1875. Those special difficulties have been swept away by section 266 of the Local Government Act, 1933. Also, the decision in *Lawford v. Billericay Rural District Council*\* has swept away much of the old confusion about the legality of ordinary minor contracts. Much complicated case law remains;† and it is a singular commentary on the efficiency of the judicial method that confusion so long remained.

The other major difficulty was a direct result of the doctrine of *ultra vires*. Since a corporation has limited powers, its agents have no authority to enter into contracts for purposes outside those powers. The case law was in a state of confusion until this principle was settled by the House of Lords in *Ashbury Railway Carriage Co. v. Riche*,‡ and a mass of decisions has been necessary to indicate the working of the principle.§

Liability in tort was even more difficult to fix. Where there is a duty to act, and that duty is to an individual and not to the public, and

\* [1903] 1 K.B. 772.

‡ (1875) L.R. 73, H.L. 65.

† See Jennings, *Local Authorities*, pp. 330–32.

§ See Jennings, op. and loc. cit.

where the duty is absolute, so that an intention to default or a negligent state of mind is not necessary, there is no reason why a corporation should not be as liable as a private person. But this combination of circumstances is rare. The principle was laid down in *Atkinson v. Newcastle Waterworks Co.*\* But it was held in that case that the duty was to the public and not to the individual. Indeed, the decision in *Saunders v. Holborn District Board*† and other cases under the Public Health Acts show that normally general legislation imposing duties on local authorities creates general duties to the public, so that even an individual who has been specially injured has no special remedy.

As soon as one moves out of the field of absolute duties, difficulties arise. They are less obvious where negligence is essential to the cause of action. For negligence has come to imply not a state of mind, but a failure to take reasonable precautions. Consequently, though for a long time it was thought that a local authority could be liable only for misfeasance, it has been admitted since *Mersey Docks and Harbour Board v. Gibbs*‡ that the liability for negligence is the same as it is for a private person. The only exception is in respect of highways, where the earlier doctrine is maintained that liability is for misfeasance only.§ This anomalous and slightly ridiculous exception is due to the strength of the earlier case law on this particular point and the failure of the House of Lords to sweep it away.

Where, however, the tort involves some mental element, greater difficulties have been encountered. For the act must be the act of an agent or servant. But clearly the agent or servant has no authority to commit torts; and it may well be said that any tort which he does commit does not implicate his authority. Such lawyers' points have been ruthlessly swept away in the law of nuisance, and though the point is still unsettled, and there are apparently contradictory decisions, it may probably be asserted that a local authority will be liable for torts which are committed during the general course of the exercise of its legal functions.

It may be said generally that in their attitude to injuries caused by local authorities the courts have shown their technique at its worst. They have had to fit a new and rapidly growing branch of public law into a legal framework to which it was not appropriate. They put new wine into old bottles, and the bottles had holes in them already. They failed to lay down rational general principles at the outset, and

\* (1877) L.R. 6 Exch. 404.

† [1895] 1 Q.B. 64.

‡ (1864) L.R. 1, H.L. 93.

§ *Cowley v. Newmarket Local Board*, [1892] A.C. 325.

they have caused delay, expense, and confusion by trying to induce general principles out of isolated cases. A few guiding ideas now stand out from comparatively recent decisions, and the old case law has fallen into the limbo of the forgotten. But it has to be remembered that that ancient case law caused endless confusion and expense to authorities who found themselves constantly in doubt as to their powers. If there is anything to be said in favour of the common law, it cannot be said of its application to local government.

## VI

The methods of judicial control so far examined have been primarily restrictive. Their purpose was to keep local authorities within the limits of the law. The purpose of control is not, however, to prevent authorities from acting, but to induce them to act wisely and well. Control by restriction may induce this by compelling authorities to refrain from unwise decisions. But its technique would be inadequate if it did not compel action. Apart from a declaration of law and an action for breach of duty, the only legal remedy available for compelling action is the writ of mandamus. This writ has been constantly used since the Municipal Corporations Act, though its importance has in recent years been overshadowed by the growth of certiorari and prohibition. In spite of this constant use, however, its principles have not substantially altered. Tapping on *Mandamus*, which was published in 1848, shares with Grant on *Corporations* and Chitty on *The Prerogative* the honour of remaining a standard work in spite of the changes of eighty years. The cases quoted in Short and Mellor's *Crown Office Practice* do not take the rules much further. Nor are there any more recent decisions of outstanding importance.

The explanation is two-fold. Where duties have been imposed upon local authorities some means of enforcing them have usually been provided. There has therefore been a remedy "equally beneficial, convenient, and effective," so that mandamus would not be issued. The other reason is even more important. Local government legislation commonly creates not duties but powers. The exercise of a discretionary power in the best possible way cannot be enforced by mandamus. And even where there is a "duty coupled with a power" mandamus can do no more than order the performance of the duty; the method of carrying it out is not one that can be controlled by the courts.

## VII

The general conclusions to be drawn from the past century are by no means favourable to judicial control. To some extent the defects are inherent in judicial control. It is a control exercised at the instance of individuals. Its purpose is to obstruct rather than to help. It is expensive and dilatory. It is capable of application only when rules of law are broken, not when they are applied legally but ineffectively. All this does not deny its necessity. Public authorities cannot be permitted to break the law, nor can they be trusted to interpret their own powers. Local authorities in particular affect the ordinary individual so closely that the risk of corruption or unfair dealing is always present. Superior administrative authorities may be too much concerned with the forwarding of a general policy to worry overmuch about the restrictions and petty tyrannies that may be imposed upon individuals. The existence of an independent authority, set up to see that the law is not warped for personal or partisan ends, is essential.

When we consider the actual practice of judicial control, apart from its inherent defects, we cannot feel satisfied. Much of the interpretation of the law has been unintelligent. The judge who has obtained a reputation as an authority on the common law has tended to delight in interpreting statutes in an obstructive manner. His bias has been against statutory innovations. He has believed that the *laissez-faire* that dominates the common law is a desirable doctrine, and that administrative interference is of necessity an evil. The judges usually have had no experience of the problem which local government have had to face; they have known only that property has had to bear new burdens. Yet when local government law has demanded the assistance of common law, when a complete and intelligent law of *recours contre l'administration* has been demanded, the common law has been found wanting. The prerogative writs have been expensive and dilatory—though it may be hoped that powers in recent legislation will enable these defects to be remedied. Above all, the common law has given remedies to injured persons only slowly and reluctantly. One of the chief functions of the courts must be to protect the individual against all kinds of illegal interference. Yet the common law judges have seemed to assume that the task of the law was finished when the second Habeas Corpus Act was passed. It needed fifty or sixty years of litigation to establish the principle that normally, and subject to exceptions, a statutory public authority should be under the same liability for

wrongs as a private individual. Even now there are doubts in the rule which can be resolved only by further litigation in the House of Lords.

If we compare this slow, partial, and expensive development with the development of French Administrative Law by the Council of State, and if we remember that the law as to remedies against Government departments has been in an even more regrettable state, we cannot fail to admit that there is some ground for the suggestion that a special administrative court would have been an advantage. Proposals to that end have been made,\* but they were rejected by the Committee on Ministers' Powers which reported in 1932.† The reason given can hardly be regarded as satisfactory. It was apparently assumed that there can be no "rule of law" unless the law in question is the unsettled and in many respects unsatisfactory common law which has caused the major difficulties.‡ It is, of course, obvious that law made by an administrative court would be as much law as that made by a court of common law. The argument is that it would be better law.

## II. BY WHITEHALL

The essential inadequacy of judicial control was made evident by the end of the eighteenth century. Bentham's insistence on the need for administrative control was not dictated solely by this consideration. It was, no doubt, due in part to his complete distrust of lawyers. Whatever the reason, it was his criticism which produced the first serious effort at central control since the Puritan Revolution. The Royal Commission on the Poor Laws recommended in 1834 the setting up of a new central administrative body to control the activities of the new local administrative authorities for the poor law which the Royal Commission proposed. Their proposals were essentially Benthamite. The hand of Edwin Chadwick, a former secretary of Bentham, was evident in their Report. The story of the rise and fall of the Poor Law Commissioners has often been told.§ For most of the nineteenth century the poor law was the main stream of development of local

\* See Robson, *Justice and Administrative Law*, ch. vi.

† Cmd. 4060.

‡ See Jennings, *The Report on Ministers' Powers, Public Administration*, vol. 10, pp. 333-51; and Jennings, *The Law and the Constitution*, ch. vi.

§ See especially S. and B. Webb, *English Poor Law History, part ii: the Last Hundred Years*, vol. i, chs. i and ii. See also ante, ch. xv.

government. It gathered to itself public health and educational functions. But in the end its importance was diminished by the rapidly increasing stream which sprang out of the Municipal Corporations Act of 1835. When, in 1930, the two streams met, it was the general local government stream which swallowed the stream of the poor law. If the "principles of 1834" may be held to include the principles of administrative organization, it must be said that, in the main, the "principles of 1835" triumphed over the "principles of 1834."

The Poor Law Amendment Act of 1834 was in its own sphere a revolution even more emphatic than that of 1835. It did not merely supersede nominated administrators by elected representatives. It also created new areas of administration and placed the elected guardians under central control. It did not merely supersede amateur officials by professionals; it also placed them under the control of central officials. In no other sphere of local government has central control become so close as in the poor law. In no other large sphere of administration was an attempt long persisted in to relate the area of administration to the needs of administration. The boroughs reformed in 1835 continued to cover their ancient areas, whether municipal or parliamentary. The counties reformed in 1888 continued to cover their ancient areas. The new urban and rural districts of 1875 and 1894 were carved out of the poor law unions, not because they were convenient areas for sanitary purposes, but because the legislative process was more easily applied to areas which were already defined. The parishes which were reformed in 1894 again covered their ancient areas.

The importance of the system of central control of the poor law lies not so much in the persistence of that control to the present day as in the example which it gave, the precedent that it provided, the lesson that it taught. The powers vested in the Poor Law Commissioners were transferred to the Poor Law Board in 1848 and to the Local Government Board in 1871. Consequently, when the Local Government Board was created in 1871, its most important control powers were those of the poor law. It is natural that poor law ideas should have been transferred, gradually, into other spheres of local government control. It is desirable, therefore, to begin by examining the powers of control under the Poor Law Amendment Act, 1834.

## II

It is interesting to notice that the Poor Law Commissioners were assumed to be a quasi-judicial authority. Not only were their orders made subject to certiorari, as has been mentioned already, but also they were given the right to summon witnesses, to hear evidence on oath, and to call for the production of papers. They were not, however, to inquire to any title, or to act as a court of record, though they were ordered to record their proceedings. Nevertheless, their functions were primarily administrative. By section 15 of the Act of 1834, the administration of relief to the poor was made subject to the direction and control of the Commissioners who were authorized to make rules, regulations, and orders for the management of the poor, the government of workhouses and the education of the children therein, the management of poor children, the superintendence of children's institutions, the apprenticing of poor children, the guidance and control of guardians and parish officers, the keeping, auditing, and allowing of accounts, the making of contracts, and expenditure on poor relief.\* General rules issued under this provision had to be submitted to the Secretary of State, and laid before Parliament, and might be disallowed by Order in Council within forty days.

By sections 23 and 25 they were authorized to order the alteration and enlargement of workhouses and (with the consent of the guardians) the building of new workhouses. By section 26 they were authorized to unite parishes for relief purposes (hence poor law "unions"), and section 32 gave them power to alter the boundaries of such unions.

Section 46 empowered them to direct the overseers or guardians to appoint such paid officers as the Commissioners might think necessary, to determine the mode of appointment and dismissal of such officers, the salaries paid to them, and the duties which they were to perform.† By section 48, masters of workhouses and parish officers were made subject to the orders of the Commissioners and removable by them.‡ Section 52 empowered the Commissioners to regulate out-relief, with the intention that it should be abolished as soon as possible. By section 58 they were authorized to declare what relief should be granted by way of loan.§

\* See now Poor Law Act, 1930, ss. 1 and 136.

† Cf. Poor Law Act, 1930, s. 10.

‡ Cf. Poor Law Act, 1930, s. 45, and Relief Regulation Order, 1930.

§ Cf. Poor Law Act, 1930, s. 49.

These powers, together with powers relating to workhouses which were transferred to the Commissioners, remain substantially unaltered in the hands of the Minister of Health. The hands are the hands of Esau, but the voice is the voice of Jacob. In one direction, however, there has been a great development, and it has been extended to nearly all departments of local government. The district audit applies to all local authorities except borough councils, and to many of the accounts of borough councils.\*

The Poor Law Amendment Act did not originate the system of district audit. It empowered the Commissioners to issue regulations for the appointment of paid auditors by the guardians. But in practice the Commissioners did nothing more than issue detailed regulations as to the auditor's duties, leaving the guardians to appoint whom they pleased, and to fix his salary. In 1844 a step further was taken. By the Poor Law Amendment Act of that year the Commissioners were empowered to combine the parishes and unions into districts for the audit of accounts, but left to the chairman and vice-chairman of the Board the power to appoint the auditors. Nevertheless, the Commissioners selected auditors for sixteen of the twenty-four new audit districts. Moreover, when the Poor Law Board was established in 1848, it was given a power, alternative to that of the courts, to hear appeals against disallowances and surcharges, and to remit any disallowance or surcharge where it considered that it was fair and equitable to remit it. Since the King's Bench had no such power of remission, the appeal to the Board was frequently preferred. By the Poor Law Amendment Act, 1868, the power of appointing auditors was transferred to the Poor Law Board. Finally, the system was reorganized by the District Auditors Act, 1879, under which the district auditors were paid out of moneys provided by Parliament, the amounts being recovered by stamp duties on the audited accounts.

The district audit was thus developed to provide an effective control of the administration of the poor law guardians. When the Local Government Act, 1929, transferred poor law functions to the councils of counties and county boroughs, this control was maintained. All the accounts of county councils were already subject to the district audit, so the Act of 1929 merely extended it to the poor law accounts of county borough councils. In the meantime, however, there had been a large extension of the jurisdiction of the district auditors.

\* For what follows, see Robson, *Law Relating to the Local Government Audit* (1930), ch. i.

It was applied to urban and rural sanitary authorities (other than town councils) by the Public Health Act, 1875, and accordingly was extended to district councils (other than town councils) and parish councils and parish meetings by the Local Government Act, 1894. By the Local Government Act, 1888, and the London Government Act, 1899, it was extended to county councils and metropolitan borough councils respectively. It covered also any joint committee which is appointed by two or more of these bodies, or by one or more of these bodies and a borough council. By the Lunacy Act, 1891, it was applied to asylum accounts. By the Museums and Gymnasiums Act, 1891, to the museum or gymnasium accounts of an urban authority in the same way as to the other accounts of that authority, and a similar provision was contained in The Public Libraries Act, 1892. By the Isolation Hospitals Act, 1893, it was applied to hospital committees under that Act. By the Metropolis Water Act, 1902, it was applied to the Metropolitan Water Board. By the Education Acts (see now the Education Act, 1921) it was extended to all education accounts, and by the Rating and Valuation Act, 1925, it was applied to assessment committees.

Thus the audit is a generalized method of control applicable to all authorities except borough councils, and even to some borough accounts.\* Indeed, some boroughs have adopted it completely under local Acts, and others under the Municipal Corporations (Audit) Act, 1933, or the corresponding provision of the Local Government Act, 1933.

The importance of the district audit varies somewhat according to the type of authority. A large authority normally appoints a competent staff of financial officers, and on their advice establishes a system of internal checks which is usually effective to prevent any except the most clever kinds of corruption and misappropriation. For them the external audit is in itself of little value. An accounting officer has less difficulty in so "cooking" his accounts as to satisfy the district auditor. But the smaller authority has no effective system of financial control. The district auditor deals with many different accounts, and he keeps in touch with the developing technique of local financial control. He is thus able to make suggestions for internal checks, to prevent corruption, misappropriation, and even waste. In all cases, too, the auditor's report receives considerable publicity. He is open to receive

\* See Local Government Act, 1933, s. 219, and Jennings, *Law Relating to Local Authorities*, pp. 289-90.

complaints from ratepayers. Even though such complaints are rare, the existence of the right to make complaints must be some check upon ordinary extravagance in administration. Moreover, if there is any suspicion of malpractices, the Minister can, under powers originally conferred by the Audit (Local Authorities) Act, 1922, order the auditor to conduct an extraordinary audit.

These functions are important. But his really effective power is to prevent expenditure which is not authorized by law. The powers of local authorities are, as we have seen, strictly limited by law. The judicial methods of control are brought into application only when some ratepayer goes to the trouble and expense of taking proceedings. The district audit involves a regular investigation of the legality of every item of an authority's expenditure. Moreover, it is admitted since the decision of the House of Lords in *Roberts v. Hopwood*,\* that unreasonable expenditure upon a service otherwise lawful is itself unlawful. Consequently he can object to expenditure on materials, salaries, wages, etc., which he regards as excessive. He fixes standards of expenditure to which local authorities must conform. This jurisdiction has been strenuously attacked by some† and defended by others.‡ Its effects may be seen in the decisions of Mr. Carson Roberts, which prevented the Poplar Board of Guardians and other bodies from fixing their wage rates at a high level, and which resulted in the enactment of the Audit (Local Authorities) Act, 1927. That Act altered the rules as to appeal and disqualified from membership of a local authority any person who had been surcharged for an amount exceeding £500.

### III

It has been pointed out already that there was a substantial difference between the principles enshrined in the Poor Law Amendment Act, 1834, and those enshrined in the Municipal Corporations Act, 1835. The Act of 1834 created new areas of administration for a single service and placed the new elected authorities under strict central control. The Act of 1835 provided for elected local authorities for the ancient municipal or Parliamentary boroughs; it regarded the new authorities as competent for a variety of services; and it did not

\* [1925] A.C. 578.

† Laski, *Studies in Law and Politics*, pp. 202 et seq.; Robson, *Development of Local Government*, pp. 307 et seq.      ‡ Finer, *English Local Government*, pp. 318–20.

establish any close central control. "The only approach to central control in the Municipal Corporations Act of 1835," say the Webbs,\* "is the section making it necessary for a corporation desiring to alienate any of the corporate real estate first to obtain the consent of the Lord Commissioners of the Treasury—a control transferred in 1871 to the Local Government Board."

Control over the borough councils and the other "general authorities" was introduced gradually as a control over the various services. These services, as they were contemplated in 1835, were three in number—police and public order, the maintenance of the roads, and public health. The other great functions of local authorities, such as education, housing, and town planning, were of much later origin.

Some elements of control over police and public order had been introduced long before 1835. This was, after all, the most ancient of the functions of "local authorities" in the widest sense. Yet for most of the eighteenth century the justices of the peace were left to maintain the "king's peace" as they chose; and the efforts of the Government were limited to occasional proclamations demanding vigilance and effective action. But, as the Webbs say,† "no one, in ordinary times, took much notice of (the proclamations) and no attempt was made by the Government, either by calling for specific reports or by further investigation, to make the solemn formality effective." After the French Revolution, strenuous attempts were made to prevent the spread of "democratic" ideas, by the passing of new and more stringent laws, especially laws against the expression of opinion and combinations of workmen, by the use of spies and informers, and by the use of the military in aid of the civil power.

In 1815 an Act was passed requiring prison authorities to furnish statistical reports of their gaols and houses of correction. In 1823 Sir Robert Peel secured the passing of an Act which not only consolidated the whole statute law relating to prisons, but also imposed upon local authorities the duty of organizing their administration uniformly upon a prescribed plan, and of furnishing quarterly reports. This Act, applying to county quarter sessions, to the cities of London and Westminster, and to seventeen municipal corporations, was "the first that dictated to local authorities the detailed plan on which they were to exercise a branch of their own local administration; the first that made it obligatory on them to report, quarter by quarter, how their administration was actually being conducted; and the first

\* *Statutory Authorities*, p. 465.

† *Ibid.*, p. 460.

that definitely asserted the duty of a Central Department to maintain a continuous supervision of the action of the local authorities in their current administration.”\* An Act of 1835 still further strengthened the control of the Home Office over prisons.

Sir Robert Peel moved into an entirely different orbit when he established the Metropolitan Police in 1829. For the new police were placed under the control of a Commissioner who himself was made subject to the control of the Home Secretary.† This precedent was not followed. Borough police were placed under the control of watch committees in 1835, and the county police were left in the hands of quarter sessions. In conformity with the general policy of the Municipal Corporations Act, there was no provision for the central control of the borough police; but when in 1839 quarter sessions were authorized to establish county police forces on the model of the metropolitan and borough police, the Home Office was given power to approve or disapprove the appointment of the Chief Constable and the number and pay of the county force. Also, the Home Secretary was empowered to issue rules for the government of the force.

When the provision of county police forces was made compulsory in 1856, a great step forward towards central control was taken. A grant of one-quarter of the cost of pay and uniform was authorized to be paid from national funds if the force was certified to be efficient. The Act authorized the appointment of Inspectors of Constabulary, who have become “the eyes of the Home Office in police matters.”‡ The grant was increased to one-half of police expenditure in 1918. It proved to be an effective method of central control. For though no police authority is compelled to qualify for the grant, in practice the amount at stake is substantial. Councils dare not refuse the grant, lest the rates be increased. Moreover, the refusal of a grant is in itself a condemnation of the efficiency of the local authority, and much can be made of this at local elections. The latter point is less effective in the counties than in the boroughs, for by a compromise made in 1888 the justices in quarter sessions, who owe responsibility to no one, were made partly responsible through a standing joint committee for police administration.

Still further control was obtained by the Police Act, 1919. The Home Office was empowered to make regulations, after consultation

\* Webb, *Statutory Authorities*, p. 462.

† The “Bow Street runners” were, of course, agents of the Home Office.

‡ Troup, *The Home Office* (1925), p. 100.

with the Police Council established under the Act, as to the government, mutual aid, pay, and conditions of service of the police forces. These powers were strengthened by the Police (Appeals) Act, 1927, under which any member of a police force who was dismissed or required to resign was given a right of appeal to the Home Secretary.

#### IV

The Home Office has thus retained and strengthened its control over police administration. Over two other services, highways and public health, it had exiguous control for a time. The association of highway administration and the preservation of the peace of the old manorial and county jurisdictions resulted in a similar association in the minds of those who began the reforms in the highway law. But the Highway Act of 1835 did not give any powers of control. Indeed, by diminishing the control of the justices over any "parish, township, tithing, rape, vill, wapentake, division, city, borough, liberty, market town, franchise, hamlet, precinct, or any other place or district maintaining its own highways," it increased the autonomy of a host of local bodies. From 1835 to 1862 the efforts of the Home Office were directed towards getting through Parliament some legislation which would give some control to somebody. Not until 1862 did it succeed; and then it did not take any powers itself, nor did it try to induce anybody to exercise any powers. According to the Webbs,\* this was and is characteristic of the Office. "Even if it does as much as send out a circular, it seems to consider it beyond its duty to take any steps to get the local authorities to take action, or to call upon them to report annually what action they are taking, or to supervise, from year to year, how they are administering (or possibly not administering) the powers entrusted to them. Least of all does the Home Office seek to guide the action of the local authorities, or even to bring about any uniformity of policy among them." Indeed, the first effective control of the highways came from the Local Government Board, when the Public Health Act of 1872 provided for the union of highway and public health administration.

The public health system is almost entirely the product of the past century. Its origin emphasizes the importance of central control, for it sprang from the Poor Law Commissioners. Chadwick had no

\* *The Story of the King's Highway*, p. 208.

sooner set his office working than he discovered the close connection between poverty and ill health, and between ill health and defective sanitary conditions. The chief result of an agitation begun as early as 1838 was, as is described elsewhere in this volume,\* the passing of the Public Health Act, 1848. But it must be remembered also that the same agitation was largely responsible for the great Clauses Acts of 1845 and 1847 which enabled development of the public health system by local initiative without some of the great cost hitherto attendant upon private legislation.†

It is not unimportant to notice that in the Parliamentary discussions upon the Bill which became the Act of 1848 the chief charge levied was its tendency towards "centralization."‡ It provided for the greatest measure of central control since the Poor Law Amendment Act of 1834. It set up a General Board of Health consisting of the First Commissioner of Works and two other persons. The Board had power to appoint inspectors to assist in the superintendence and execution of the Act; and its chief functions were:

(1) To direct an inspector to hold an inquiry when a stated portion of the inhabitants of a place petitioned for the application of the Act, and on the basis of the Board's report the Act might be applied either by Order in Council or by Provisional Order.

(2) To receive and determine appeals by surveyors against dismissal by local boards of health.

(3) To approve the appointment and removal of medical officers of health and to determine their duties.

(4) To approve the establishment of offensive trades, to hear appeals as to new streets, to approve the creation of public walks and pleasure grounds, etc.

(5) To give consent to borrowing by local boards.

(6) To exercise certain compulsory powers when the Privy Council ordered the temporary application of the Nuisances Removal and Diseases Prevention Act during the time of an epidemic.

(7) To compel the application of the Act to places with a high death-rate.

The Act was thus a great step forward. But according to the late

\* Ante, pp. 158-160.

† See ch. xvii ante.

‡ See Sir John Simon, *English Sanitary Institutions*, p. 205.

Sir John Simon it had four major defects. In the first place, the General Board was not responsible to Parliament. In the second place, its penal power to force the Act upon a place with a high death-rate brought the General Board into odium, but was at the same time ineffective, for no place was bound to exercise the powers thus thrust upon it. In the third place its inspectors were appointed for each inquiry; there was no power to appoint permanent inspectors, and the engineer appointed as inspector promptly offered himself to the sanitary authority as the person most fitted to carry out the works—to the disgust of the rest of his profession. Finally, the Board had no medical member or officer. To these four defects must be added a fifth: that Edwin Chadwick became the first and only paid member of the Board. Chadwick's impatience would brook no delay; he could not wait for public opinion; he had neither the means nor the peculiar talent to carry public opinion with him. Sir John Simon put the position with the tact and understatement which was necessary in criticizing a public servant whose merits were undeniably great and who was then still living.\* "Mr. Chadwick had probably derived from Bentham a strong theoretical disposition to rely less directly on natural forces in society, and more directly on organized controls, central and sub-central, than would accord with the present political opinions of this country; his own administrative experience had lain in working the Poor Law Amendment Act of 1834, which, for reasons in great part special to the case, was a law of extreme centralization: his abundant familiarity with cases of gross mismanagement and jobbery by local authorities may have disinclined him to believe in the possibility of awakening an opposite spirit in local government; and not least, both to him and his colleagues, the methods of central dictation may have seemed a short and ready road to the reforms which they all desired to accomplish."

An example of the Board's attitude may be seen in its reports of 1850 on water supply and burials in the metropolis, where it was recommended that the task should be undertaken by civil servants. Indeed, an Act of 1850, repealed in 1852, gave to the Board the necessary powers for the burying of the dead in London. In view of the creation of the Metropolitan Water Board and the London Passenger Transport Board, not to speak of the Unemployment Assistance Board, the Central Electricity Board, and the centralized functions of the Ministries of Health, Labour, Transport, and Agri-

\* *English Sanitary Institutions*, p. 222.

culture, such proposals do not appear so ludicrous in 1935 as they appeared to Sir John Simon in 1890. But they clearly indicate the centralizing tendency of the General Board of Health.

For all these reasons the angry opposition which the Board encountered is readily intelligible. All kinds of "interests," professional as well as industrial and political, arrayed themselves against it. The Board being appointed for five years only, the Government sought to renew its powers in 1854, though proposing to place it under a Secretary of State. The Bill was defeated, and a new Bill, abolishing the Board in all but name, and giving it a President capable of sitting in the House of Commons, was passed into law. Also it provided for the appointment of salaried engineers as inspectors, and forbade them from engaging in private practice. Mr. Chadwick went into retirement. The Act was renewed annually for four years. But in 1857 the Vice-President of the Education Committee of the Privy Council became President of the Board; and throughout this period the "Board" was always on the point of death. It expired in 1858 when the Public Health Act transferred its medical functions to the Privy Council and the Local Government Act handed over its other functions to the Home Secretary.

The English public health system of the 'sixties was thus chiefly characterized by not being a system at all. For reasons given elsewhere\* a Royal Sanitary Commission was set up in 1869 and it reported in 1871. It was given power to investigate central as well as local public health administration, and it exercised its authority. It recommended that "the administration of the laws concerning the public health and the relief of the poor should be presided over by one minister . . . whose title should clearly signify that he has charge of both departments: an arrangement which would probably render necessary the appointment under him of permanent secretaries to represent the respective departments." It must, however, avoid taking to itself the actual work of local government: it would leave *direction* only in the central power. "It will have to keep all local authorities and the officers in the active exercise of their own legally imposed and responsible functions; to make itself acquainted with any default and to remedy it; it will have also to discharge to a greater extent

\* Ante, p. 160.

its present duties . . . namely, to direct inquiries, medical or otherwise, to give advice and new plans when required, to sanction some of the larger proceedings of the local authorities, to issue provisional orders subject to parliamentary confirmation, to receive complaints and appeals, to issue medical regulations in emergencies, and to collect medical reports." It should therefore have full powers of supervision and inspection, and defined powers of control and direction over all local authorities. To this body should be transferred the Medical and Veterinary Department of the Privy Council, the Local Government Office, the Registrar-General's Office, and all sanitary powers and duties exercised by or under the Privy Council, the Home Office, or the Board of Trade.

The first legislative consequence of the Report was the enactment of the Local Government Board Act, 1871. Like most of the other "boards," the Local Government Board was a board only in theory. For practical purposes it was a department presided over by a minister. It took over, as the Report had recommended, the functions of the Poor Law Board and some of the functions of the Privy Council and of the Home Office. In the following year the Public Health Act of 1872 amended the constitution and powers of sanitary authorities, and in 1875 the great consolidated statute contemplated by the Report was passed. To give a list of the powers of the Board under that Act would be to set out a long catalogue. It had powers for hearing and determining appeals, for approving regulations and byelaws, for acting in default of action by a sanitary authority, for giving consent to dealings with land, for making Provisional Orders, for appointing inspectors and holding inquiries, for making numerous orders, for sanctioning loans, and so on. Its powers in respect of public health did not then reach, and have never since reached, its Poor Law powers. Its methods of control were defective both in substance and in its method of administration.\* Nevertheless, it did valuable work in stimulating the backward authorities, even though it sometimes acted as a brake on more progressive authorities.

The Local Government Board was not strictly a Department of Health. The Public Health Act, 1875, contained many provisions relating to local government generally. The powers of the Board in this respect were increased by the subsequent legislation, notably of 1888 and 1894. It was concerned, too, with the Poor Law. Indeed, it tended to apply the "Poor Law mind" to public health problems.

\* Simon, op. cit.

Moreover, the Home Office, the Board of Education (after 1902), and the Insurance Commission (after 1911) also had functions relevant to the public health. In 1919 the Board was superseded by the Ministry of Health, and some of these functions transferred to it.

Nevertheless, the Ministry of Health is as much a Ministry of Local Government as of Health. It is not the only department concerned with local administration, but it is by far the most important. Indeed, its effective control over public health came not through an extension of its public health powers in the strict sense, but through its powers over grants and loans—that is through the extension of its general local government powers.

## VI

The numerous control powers of the Ministry of Health may be divided into ten groups.\*

In the first place, it has very large powers of making law by the issue of general or special rules, regulations, and orders. The agitation over the extension of delegated legislation by lawyers and publicists, notable chiefly for the publication of *The New Despotism* by Lord Hewart, was concerned primarily with the Ministry of Health—chiefly because the regulations of the Ministry frequently affect property rights, and the sanctity of property is supposed by some to be a fundamental maxim of the British Constitution.

In the second place, the Minister has a wide power of approving bye-laws, plans, and schemes made by local authorities. The power of sanctioning bye-laws is shared with the Home Office. But those which especially affect property are under the Public Health Acts. Moreover, those proving to be an inadequate method of controlling development, powers have been taken to approve schemes under the Housing and Town Planning Acts in such a way as to restrict very definitely the rights of landowners. Here again, therefore, there has been complaint from owners of property and lawyers.

In the third place, the Ministry has many appellate powers. A local authority is very closely in touch with its electorate. It may be dominated by a party majority and so favour the friends of the majority. It may, on the other hand, contain no effective opposition, and be easily led to individual favouritism or even corruption. An appeal against some of its particular decisions is therefore necessary. The

\* For what follows, see Jennings, *Principles of Local Government Law*, ch. 5.

appeal in most cases raises questions of administrative policy. It almost invariably involves technical issues which cannot effectively be divided by courts of law. Thus the Minister has what are called "quasi-judicial powers."\* Here again, opposition has come from the legal profession and from other individualists who confound administration and executive or ministerial government.

Fourthly, the Ministry has some powers of acting in default of action by local authorities. Such powers are not numerous, nor are they effective. For the Ministry has no organization for itself conducting local administration. Their retention has been justified for use as a "big stick" if persuasion fails.

Fifthly, the Minister has control over certain kinds of officers, especially senior Poor Law officers.

Sixthly, he is able to send inspectors to investigate conditions. This is a regular part of Poor Law control, but until recently it has been exceptional in respect of public health and other functions.

Seventhly, extensions of local powers are largely under his control. He makes Provisional Orders, though they need Parliamentary sanction. And his advice is important when Parliament is considering local legislation.

Outside the Poor Law, however, these functions are not so important as his financial powers. His power of appointing district auditors has already been mentioned. Professional etiquette and *esprit de corps*, as well as the general policy of the Ministry, have restrained him from interfering with the discretion of the auditors. Instead, he is the normal court of appeal from their determinations. But his other financial powers, his control over grants and loans, are by far the most important methods of central control.

Grants are a comparatively recent source of local revenue. They originated in an entirely different sphere of local administration, in the grants given in aid of education. Awarded originally to religious bodies, they were necessarily given to the School Boards set up under the Elementary Education Act, 1870. Through the extension of these grants and the powers of control which they implied, as well as through the other powers given to the central authority, the Education Department, and (since 1902) the Board of Education, has been able to make itself a member of a strong and effective partnership with the education authorities. Nowhere is the collaboration between local and central government so close and (in spite of some serious differences)

\* See *Errington v. Minister of Health*, [1934] 51 T.L.R. 44.

so cordial as in the sphere of education. We have seen already how a grant system enabled the Home Office to secure some measure of control over the police. Later on the Ministry of Transport could make some attempt to co-ordinate the working of highway authorities for the same reason.

In the sphere of health administration, however, the grant system was but slowly applied. Grants were given at the end of last century in place of the taxes transferred to the county councils in 1889. But only in respect of specialized services were grants given for public health. These services were new services, created during the past twenty-five years for special purposes outside the framework of the older public health services—mental deficiency, tuberculosis treatment, the treatment of venereal disease, the care of the blind, and maternity and child welfare. In addition, grants have been given for housing since the war. The amount of the grant depended on the amount of the expenditure. It was therefore necessary for the Ministry of Health, in the interest of the Treasury, to supervise closely the estimates and the actual expenditure on the grant-aided services. Here there was a closer and more meticulous control than in any other sphere of local government.

In 1930 the special public health grants, as well as some of the road grants and the older grants mentioned above, were abolished under the Local Government Act, 1929. Together they amounted to something less than £16,000,000, and they were consolidated into the "block grants" payable under that Act not in accordance with expenditure, but in accordance with complicated statutory provisions which demanded no meticulous examination of estimates. But the sum to be paid by way of grants was now much swollen by the necessity for repaying to the local authorities by way of compensation for the loss of rateable value due to "derating."\* The sum to be distributed was now not £16,000,000 but, to take a round figure, £45,000,000.†

Could Parliament permit the distribution of this large sum without any control over its expenditure? The answer was given in the negative. Accordingly, the Act of 1929 authorized the Minister of Health to reduce the grant to any authority if he was satisfied that it had "failed to achieve or maintain a reasonable standard of efficiency and progress" in its public health functions, or that its expenditure had been

\* See ante, pp. 383-4.

† For the actual figures, see *Annual Report of the Minister of Health*, 1933-34, pp. 320-21.

"excessive and unreasonable," or if the Minister of Transport was satisfied that it had failed to maintain its roads in a satisfactory condition.

This is a "big stick" provision of such extreme strength that it cannot be used in any except the most unusual cases. But it established the principle that the Minister of Health was responsible for the efficiency and progress of the public health services and for the general nature of the local authorities' expenditure. Its immediate result in the former respect was to enable the Minister to conduct a survey of all the public health services—a survey which, though not yet completed, has produced some interesting and valuable results.\* In the latter respect it has so far been unproductive of results. But it is conceivable that, if the deflationary policy of the Government in 1931–34 had not been accepted by the local authorities, the "big stick" might, in the phrase of James I, have "plied upon the poor boy's buttocks."

Even more important is the right and duty of the Minister to control all borrowing by local authorities. His powers in this respect apply to all loans, even if raised for educational or highway purposes. In spite of a growing tendency for local authorities to finance small capital works out of income, it is still true to say that all important capital works—that is, all new services and all large extensions of existing services—are financed out of loans. In considering whether to sanction a loan, the Minister considers not only the details of the proposed works, but also whether the financial position of the authority is sound and whether there is not some other work of more immediate importance.† Moreover, he considers the general financial situation of the country. Thus when in 1931 the National Government decided on a general policy of deflation, the Ministers at once put stringent limitations upon local borrowing. Unless the works were urgently needed, he refused to sanction any loan. In this respect, he completely reversed the policy of his predecessor. For under the Labour Government schemes of development were not only welcomed, they were demanded; and indeed bribes were given, by means of special grants under temporary legislation, to induce the authorities to submit schemes which would provide work for the unemployed.

\* See *Annual Report of the Ministry of Health, 1933–34*, p. 96 et seq.

† See Royal Commission on Local Government, *Minutes of Evidence*, i, p. 57.

## VII

The control of the Board of Education has an entirely different origin, though in the result the methods used are not very different from those of the Ministry of Health. The chief differences lie in the fact that central functions in respect of education are older than the education duties of local authorities. Education was originally a voluntary or charitable service, provided by what are now classed as voluntary services. So far as it was charitable in the legal sense it became subject in the nineteenth century to the Charity Commissioners, whose powers in this respect were transferred to the Board of Education in 1902.\* But these powers are of comparatively small importance, and relate only to endowments. They do not cover the ordinary expenditure of voluntary associations in the provision and maintenance of schools. The main powers of the Board are a consequence of the grant system.

Annual grants for the building of schools were first made in 1833; and in 1839 a Committee of the Privy Council was set up to superintend their allocation. Thus the Central Government became "a partner in the work of providing educational opportunities for the children of the poor,"† though many years elapsed before the local authorities were admitted into the partnership. The Committee of the Council asserted from the beginning that the power to make grants implied a power of inspection, and in spite of much opposition from the Church a system was established. It is to be noted, however, that from the beginning the Committee insisted that inspection involved not *control* but *assistance*. The success of the "control" of education is largely due to this idea of the relations between the Government and the providers of education, and the lack of success of "control" in the field of public health has been due in no small measure to the Benthamite ideas which the Local Government Board and the Ministry of Health inherited from the Poor Law. Control creates opposition; assistance is welcomed.

The original grant was for £20,000. Its scope was limited to assisting the building of schools. Successive reforms, notably in 1846 and 1861, increased the amount and the scope of the assistance. In 1856 the office of Vice-President of the Committee of Council on

\* Board of Education (Powers) O. in C., 1902, issued under the Board of Education Act, 1899.

† Frank Smith, *History of Elementary Education*, p. 137.

Education was permanently established by statute. There was now a Minister for Education (acting, however, under the general authority of the Lord President of the Council) administering grants according to a "code" of regulations which provided for inspection with a view to efficiency. In 1859 public expenditure on education amounted to £836,920. All the steps in the development of a complete education system had, however, been hindered by political disputes. In 1858 a Royal Commission, known as the Newcastle Commission, was set up. It reported in 1861, and recommended among other things the creation of county and borough boards of education. This recommendation was so hotly opposed that it was not accepted, but a revised code was issued in the same year. It provided for capitation grants: but "the building must satisfy the inspector, the teacher must be certificated, proper registers must be kept, and needlework must be taught to girls. The grant could be reduced for faults of instruction or discipline, for failure to remedy defects or supply adequate apparatus, for insufficiency of staff, and was not to exceed the amount of school fees and subscriptions, or 15s. per scholar in average attendance. Most important of all, one-third of the sum claimable on attendance was to be forfeited for failure in each of the three subjects, reading, writing, and arithmetic."\*

This grant system remained substantially unaltered until 1897. In the meantime, the Elementary Education Act, 1870, had provided for the setting up of School Boards, and had thus brought education into the field of local government; and the Elementary Education Act, 1876, had made elementary education compulsory. Under the Act of 1870, the Education Department had the duty of setting up School Boards where they were necessary; it had powers to unite school districts, it had powers for superseding defaulting School Boards; it could conduct inspections and demand returns; it had miscellaneous powers of sanctioning actions of education authorities; and above all, it continued to be the authority administering Parliamentary grants according to the principles of the code for the time being in force.

Between 1870 and 1902 there were some twenty Education Acts. The scope of "education" was gradually extended and the cost of providing the service increased accordingly. By the Board of Education Act, 1899, the functions of the Education Department of the Privy Council were transferred to a "Board of Education." It is a "Board" only in theory, for it never meets: and in effect it is an

\* Frank Smith, *op. cit.*, pp. 255-56.

ordinary Government Department with a Minister, called the President of the Board, at its head. Powers were taken to transfer some of the functions of the Charity Commissioners, and they were exercised in 1902. But in other respects the Act did not change the existing situation. The Board's powers were dependent essentially on the grant system which the Privy Council had gradually built up. It continued the tradition of the Education Department. Though its powers increased as the functions of education authorities increased, the essential basis of the central control of education remained unaltered. Nor did the abolition of the School Board in 1902 and the transfer of their functions to the councils of counties and boroughs make any essential difference.

The powers are wide and elastic. They have been exercised, too, in an able manner. In recent years the Board has made great use of advisory committees, especially the Hadow Committee, whose three reports promise to revolutionize educational administration. Already a great reorganization is in progress, in accordance with the *Report on the Adolescent*.

## VIII

We must now go back to the public health services because another Department, the Ministry of Transport, has taken over some of the functions of the Local Government Board. It was part of the policy of the Royal Sanitary Commission that public health and highways administration should be co-ordinated. The relationship is obvious. Public health, in its administrative sense, is primarily concerned with urban developments. Many of what the highways department calls "roads" are what the public health department calls "streets." Urbanization involves the making and extension of roads and the increase of traffic on older roads. So long as the roads were used primarily by the inhabitants of the neighbourhood, it was obvious that the public health authority must be responsible for them. There was, of course, always a substantial through traffic on what we may refer to (though it is no longer an official designation) as "main roads." Many of these were old turnpike roads. But the creation of the railway system reduced their importance, and it was enough to provide, when the county councils were established, that main roads should be under their control.

With the invention of the internal combustion engine, however,

conditions were fundamentally altered. The main roads became part of the national transport system, almost as much dissociated from local influences as the railways. It was natural, therefore, that the Central Government should be called upon to exercise more and more control over the actions of highway authorities. The first steps in the new development were taken under the Development and Road Improvement Act, 1909, under which a Road Board was established to make advances to highway authorities in respect of the construction of new roads or the improvement of existing roads. It is significant, too, that the Act gave the Road Board itself power to construct and maintain new roads, though this power has been rarely exercised. The funds available for the purposes of the Act were, under the Finance (1909–10) Act, 1910, equal to the net proceeds of the duties on motor spirit and the net proceeds of the duties licences for motor cars.

The great development of road transport not only increased the funds available to the road development fund and placed a heavy burden on local authorities. It also created a new national industry which competed with the railways and had as little connection with local conditions as the railways. A technical Road Board merely concerned with roads was therefore not sufficient. What was required was a new department of State concerned with the transport as a whole. Accordingly, a Ministry of Transport was established in 1919 to exercise all the powers and duties of Government departments in relation to railways; light railways, tramways, canals, waterways, and inland navigation; roads, bridges, and ferries, and vehicles and traffic thereon; and harbours, docks, and piers.

The new Ministry was not concerned primarily with highways, but with the transport system which used the highways. Just as the Road Board had been given power to make and maintain roads, so the Ministry was given power to establish and work transport services. Authority was also given to classify the roads for the purpose of making advances for their construction, improvement, or maintenance.

In 1920 new licences were provided for mechanically propelled vehicles, used on public roads, and subject to certain deductions, the produce of the new taxes was ordered to be paid into the Road Fund, which took the place of the road development fund. Successive Chancellors "raided" the ample and increasing revenues thus made available. Also, some of the road grants were abolished by the Local Government Act, 1929. Nevertheless, the Minister of Transport has had substantial funds at his disposal for assisting road developments.

Thus the highway service has become heavily grant-aided; and the control exercised by the Ministry of Transport has increased correspondingly. The "big stick" provision of the Act of 1929 retained a control of the Minister even where the road grants were abolished.

More recent developments have, moreover, tended to increase the authority of the Ministry of Transport and correspondingly diminished the importance of local authorities. The problem created by the development of road transport was first to provide roads; then it became a problem of regulating a new industry competing with the railways; and now it has become a problem of regulating road traffic and maintaining the safety of the population. The Road Traffic Acts of 1930 and 1934, the London Traffic Act of 1924, and the Road and Rail Traffic Act, 1933, are far more than local government statutes. The problem of the roads is now but one aspect of a complicated industrial problem. The relative importance of the highway authorities has consequently been reduced at the same time as the control of the Ministry of Transport over those authorities has increased.

## IX

The result of all these methods of control is to make the Central Government an essential factor in what is still called "local government." Foreign commentators on our system continue to speak of England as a country of "local self-government." It is clear that it is nothing of the kind. It is true that we have elected local authorities exercising a discretion according to the opinions which meet the approval of their own electorate. It is true also that they can do a great deal, within their powers, to improve the health and happiness of their constituents. But they are rigidly restricted to the powers conferred upon them by Parliament; their organization and their proceedings are determined by statutes (there is no such thing as "home rule" in the American sense), and above all they are controlled more or less closely in all their activities by organs of the Central Government.

It is no uncommon event to find councillors complaining that they do not do as their electors wish, but as they are ordered by "Whitehall." This is, of course, a travesty of the facts. The complaint is most frequently made by representatives of Ratepayers' Associations and other persons who represent the landlord interest. Their policy is the simple one of reducing costs. They never explain how they are to reduce costs nor are their efforts when in office successful

in doing so. But they are able to put forward a *non possumus* when Government departments suggest developments. They are especially critical of the Board of Education and the Board of Control. The benefits obtained from better education and from segregation of the mentally deficient are not immediately obvious. These services involve a long-term policy. The Board of Education insists on a high standard of building design because its medical officers believe that the benefits to be obtained in the health and the intellectual development of the children will prove ultimately to be worth the cost. The Board of Control insists on a high percentage of segregation because it believes that this will reduce the proportion of mental defectives in the next generation and will prevent sexual and other "crimes" of abnormality in this. The latter Board also insists on a high standard of equipment because it considers that if a mental patient is to be maintained he should be given as full a life as his intellectual standard permits. He should, it is thought, be given such tuition as will enable him to amuse himself, even if he can never become self-supporting.

It must be admitted that the Board of Control meets more opposition than the other central bodies concerned with local government. Many think that the standards which it lays down are too high—recently, indeed, it has relaxed them. In any case, the mental deficiency service is not "popular" among councillors. It is difficult to arouse enthusiasm for a service which is so expensive and which produces so little in the way of obvious results. Yet this unpopularity is not due to the Board's coercive powers. They are by no means so great as those of the other central authorities. It is due to the fundamental difficulty of securing co-operation between an enthusiastic central authority and reluctant local authorities. It is not an unimportant factor, too, that the Board is regarded as a technical body, so that it is not directly and consistently controlled politically.

The Board of Education has very large and very effective coercive powers. It has been, on the whole, fortunate in its political heads. It has been fortunate, too, in its officials. It has a breadth of view which perhaps no other office has attained. Moreover, education is a popular local service except among "anti-expenditure" councillors. On almost every education authority, even on most of the county councils, there are to be found at least a few councillors who are willing to work hard in the cause of education, and who therefore form the backbone of the education committees. For all these reasons the Board of Education has been able, generally speaking, to work in co-operation with

the local authorities. It has not been as critical of experimentation as the Ministry of Health. It has been able to drag along the more reactionary authorities without too much fuss.

The experience of the Ministry of Transport has been even happier. For one thing, it has had large funds at its disposal, in spite of the "raiding" of the Road Fund by successive Chancellors of the Exchequer. Also, it has had active Ministers anxious for Cabinet office, and being usually out of the Cabinet able to spend time in forwarding their political careers by taking a real interest in their work. The Department has given them substantial aid by maintaining excellent relations with the Press (it is worthy of note that no Minister of Transport has been a failure in his office). Local authorities have been anxious for road developments, partly because they relieved them of some of the burden of unemployment, and partly because, especially in the counties, councillors are usually motorists. Here again, therefore, there has been effective co-operation.

The experience of the Ministry of Health has been more mixed. Its Ministers have varied. Its chief medical officers have been good, but many of the other chief officials have belonged too much to the "old school" of the civil service to take effective control of rapidly developing services. It has shown few powers of invention in dealing with such problems as housing and town planning. In the sphere of public health it has lagged far behind the more progressive local authorities. It inherited an ancient penal tradition in the Poor Law, and it has taken a long time to give it up.

Above all, the powers of the Ministry of Health have been too casual and heterogeneous. It has involved itself in too much detail in some services. In others it has had too little powers of control. The Local Government Act of 1929 has considerably altered the legal position, and gradually, as the old traditions die away, a less rigid and more general system of co-operation may take the place of the older system. Moreover, the Ministry has been hindered by rapid changes of governmental policy. This is noticeable especially in the field of housing. Not having many ideas of their own, the permanent officials have not been able to keep a reasonably consistent policy. They have at one time harried local authorities to build more houses; at another time they have tried to damp their enthusiasm. Sometimes they have thought in terms of houses, sometimes in terms of slums, sometimes in terms of over-crowding.

All the central authorities, without exception, have been hindered

by fluctuations in general policy. There was a great spurt in the post-war years which was stopped by the "Geddes Axe." The return of optimism, made most obvious politically by the growing strength of the Labour Party, but invigorating the policies of all parties, was brought to an abrupt end by the events of 1931. Since then there has been a gradual change of policy without any formal announcement. This fluctuation has led the enthusiasts to suggest the creation of independent boards and commissions, either to take over or to supervise separate local services. That policy produced the Central Electricity Board, the London Passenger Transport Board, and the Unemployment Assistance Board. There have been suggestions for a National Housing Board and a National Town Planning Commission. The assumption is that services can be divorced from "politics" and that a national uncontrolled board can establish and carry out a consistent policy without reference to changing political ideas. The success of the Central Electricity Board is a matter of dispute. The London Passenger Transport Board has yet to prove its utility. The Unemployment Assistance Board has hardly entered upon its functions. In any case, the Central Electricity Board and the London Passenger Transport Board are not, as precedents, on all fours with recent proposals. They have been charged with the carrying out of technical services which are non-political in the sense that their services have not been the subject of political disputes. The provision of assistance to the unemployed and of houses for the working classes are not services which can be divorced from politics; they relate to the essential bases of political controversy. No technical device will exclude them from Parliamentary debate. Responsibility to Parliament is necessary because Parliament, or at least a section of it, wants, and will continue to want, to criticize their administration. The Poor Law Commissioners long ago proved that a department which cannot defend itself is doomed.

Indeed, there is a more fundamental objection. The social services cannot be split up and handed over in sections to the enthusiasts. Each of the services impinges upon and influences the others. It is impossible to give each service to a separate authority which takes no thought for the activities of its neighbours. Health, housing, town planning, unemployment assistance, education, lunacy and mental deficiency, and even traffic (for traffic implies streets, streets imply houses, and houses affect health) are cognate services. What is wanted is not disintegration but closer integration. The Ministries of Labour,

Health, and Transport, and the Board of Education, tend already to follow divergent policies. It is essential to co-ordinate their activities, and anything which tends to separate them still more will be disastrous to an effective and economic administration. Perhaps the time is not far distant when a single Minister for the Social Services will control, through Parliamentary Secretaries, all the services of local government except, possibly, highways and agriculture. "Central control" must then involve, not a meticulous investigation of the details of local administration, but a general control in the national interest of divergent or contradictory local policies.

## THE OUTLOOK

*by*

WILLIAM A. ROBSON

## I

THE essential purpose of this volume is to depict the remarkable growth and development which have taken place in the sphere of local government during the past century, and to evaluate, in the light of that expansion, the work of our local authorities to-day. Thus it is at once a record of achievement and an interpretation.

A centenary should, however, be something more than an occasion for celebrating the triumphs of the past. A centennial anniversary affords also an opportunity for surveying the present situation and its problems, for inquiring into the processes of contemporary development, for estimating whether the emerging trends seem worthy to succeed the achievements of the past. It may not, therefore, be inappropriate to conclude this volume with a chapter reviewing the major questions which loom large in the field of local government to-day and to indicate, however tentatively and briefly, the types of adjustment to which resort may be made in the effort to find satisfactory remedies for contemporary shortcomings.

The writer yields to no one in his admiration for, and recognition of, the remarkable achievements which have been attained in this Century of Municipal Progress. But it is a poor kind of tribute which looks only to the gains of the past and which permits the needs of the present to be obscured by a fatuous self-complacence. It does not exalt our local government institutions, but rather disparages them, to pretend that a state of Utopian perfection has now been attained which makes further effort at improvement a mere gilding of the lily. It is those who most fully respect and understand the revolutionary changes of the past century who will most eagerly desire to press forward in the same great tradition of adaptation and reform.

In what follows let us project ourselves forward to the year 2035. Let us imagine that we are celebrating not the century which has just passed, but the hundred years which lie between us and that distant

point of time. I believe that, if a celebration be held one day to commemorate the municipal progress of 1935–2035, the most prominent place in the proceedings will be occupied with the matters to which I am about to refer. I am at any rate willing to accept that as a hypothetical test of the validity of my convictions.

## II

The first and most pressing matter which calls for attention is the structure of our local government system. The outstanding fact about the present situation is that although all the existing classes of local authorities have been created by Parliament in comparatively recent times, most of the areas in which these local authorities operate have come down from what is called in the United States “the horse and buggy age,” or even much earlier.

The administrative counties, despite a considerable degree of deviation from the historic shires, derive their boundaries in many cases from the limits of the jurisdiction in feudal days of a mounted earl in armour. The parish is an ecclesiastical unit of great antiquity. The origin of the borough often winds back through the centuries to an early settlement of freemen living under conditions utterly remote from those which now prevail. To use a geological metaphor, the areas of local government were in many cases formed by a gradual process of sedimentation through long periods of time, while the local authorities in charge of them were precipitated by a series of volcanic eruptions from the Parliamentary crater in 1835, in 1888, and in 1894.

It is an indisputable fact that the areas of local government have become inadequate for the efficient administration of the services which local authorities are required to carry out. During the past fifteen years numerous Royal Commissions and official committees have made exhaustive inquiries into the conduct of a large number of municipal functions, such as land drainage, river pollution, water supply, the police, public libraries, highways, education, electricity supply, public health, and several others. In every case without exception the inquiry has resulted in an explicit assertion of the unsatisfactory character of the areas in which the particular service is administered.\* It would be difficult, indeed, to name a single municipal service of any importance in regard to which the areas of administration are such as to satisfy competent expert opinion.

\* For a fully documented account, see my *Development of Local Government*, part i.

The major areas of local government have undergone no substantial change since 1888, although the minor areas (that is, the parishes and the county districts) were subjected to general review by the Local Government Act, 1929. Hence, although an immense advance has been made in the means of transportation and communication in the past half-century through the advent of electric traction and the automobile, no fundamental adjustment in the areas of local government has taken place to enable them to "catch up" with the change in the scale of movement and the altered habits of life which these inventions have brought about. In the metropolis the London County Council is in charge of an area whose boundaries were fixed so long ago as 1855.

The existing areas are defective, not only because they are too small but also because their shapes do not conform with the requirements of optimum efficiency. Local government to-day consists of a series of highly technical functions which demand areas of several different shapes and sizes. For example, land drainage calls for a catchment area based on the natural watershed, while the best area for education is determined by considerations relating to density and size of population. No single method of dividing up the country will yield the best results for all services.

Another difficulty arises from the fact that, outside the county boroughs, there are everywhere several overlapping layers or levels of local government. Thus in a country village there will be a parish council responsible for certain minor functions, a rural district council entrusted with other services, while the county council will administer some services throughout the whole county (with certain specified exclusions). In every district and in all non-county boroughs there are at least two and sometimes three or four separate local authorities administering unco-ordinated services. These overlapping bodies have concurrent powers. Each is more or less autonomous within the limits of its own powers (apart from central control). There is nothing in the way of a hierarchy based on greater resources or superior *expertise*.

It has become increasingly clear that this feature of the structure possesses inherent disadvantages which no amount of goodwill can overcome. Services such as public health and education are disintegrated among these unco-ordinated tiers of councils without any regard to the functional needs of the service and often in direct opposition to them; as, for example, where the district council is

responsible for elementary education while "secondary" education is left to the county council—an administrative separation which has no relation whatever to the scholastic or psychological development of the children.

It is impossible to elaborate here these cursory statements or even to indicate the disadvantages they impose. I have placed on record elsewhere a fully documented account of the matter to which the enterprising reader can refer.\*

In recent years a few tentative efforts have been made to transfer powers and duties from smaller local authorities to the larger ones. Thus in the past decade responsibility (in whole or in part) for the upkeep of secondary roads, for the Poor Law, for the provision of infectious disease hospitals, for valuation, has been placed on the shoulders of the county councils and smaller bodies have in some cases been deprived of these functions. The smaller and weaker authorities are being gradually denuded of some of their more important powers, and the most incompetent councils are being liquidated through merging or amalgamation. This process is likely to continue despite much resistance and protest.

But the chief difficulties of the situation still remain to be dealt with. The need for tackling them will press with increasing urgency during the next twenty years. It is reasonably certain that unless a major adaptation of the structure is effected before we reach the second half of the twentieth century, an alternative solution will be sought through the establishment of boards or commissions set up to conduct local services and entirely divorced from existing municipal institutions. We have already had a foretaste of this in the area Traffic Commissioners and the London Passenger Transport Board. Those who cling too tenaciously to the preservation of "historic" areas in a world where the traditional boundaries have become irrelevant can achieve their object only at the cost of depriving the "historic" areas of all administrative significance and vitality.

The principal features in the structure which need adaptation are, then, in the first place, the inadequate size and imperfect shape of the areas; and in the second place, the existence of several tiers or layers of unco-ordinated authorities exercising jurisdiction over the same territory.

There are several possible remedies for the former malady. One of them is to build up areas of appropriate size and shape by merging

\* See my *Development of Local Government*, part i.

or combining existing councils for the purpose of conducting particular services. Another is to introduce a large measure of federation into the present structure. A third way out would be to establish directly elected regional authorities for certain large-scale services.

The elimination of the overlapping layers of councils might be achieved in part by a simple process of converting the parish councils and the county district councils into local committees controlled by the county council or larger authority, and in part by promoting the larger non-county boroughs and urban districts to the rank of county boroughs.

There are various other possible solutions. None of them possesses every conceivable advantage and no drawback. I am not concerned here to recommend any specific remedy, but only to emphasize the importance of the problem and the need for solving it in the near future. London, above all, is in dire need of immediate attention. It is not too much to say that the creation of a suitable government for the great metropolitan region is one of the most urgent *national* questions of the day.

### III

A detailed examination of probable developments in the various services is clearly not possible here. A vast expansion in scale and scope is to be expected all along the line, particularly in public health, education, and housing. To mention only one item, a universal municipal hospital service, provided without charge to every citizen, will seem a century hence as commonplace a phenomenon as the police forces or the dust-collection service do to us to-day.

Two great new streams of activity will probably make their appearance on the municipal horizon in the not distant future. One of these relates to the cultural aspects of civic life. In the century which has passed the energies of local authorities were directed primarily to the conquest of the material environment. Drains, sewers, infectious disease, public cleansing, gas, water supply, electricity, tramways, omnibuses, highways, parks, fire brigades—these are the characteristic items on the agenda paper of the nineteenth-century councillor. Only by inadvertence, it would almost seem, were one or two cultural undertakings such as public libraries and museums permitted to slip in to vary the staple diet of the local authority—and even then strict limitations were imposed on the sums which might be spent on them.

It is no doubt a good thing that first things should come first. But when all is said and done, a pedestrian and unimaginative flavour hangs about our municipal administration. In the coming years it will, I believe, give way to a more inspiring conception of what civic life can be. The dreary ugliness and aesthetic dullness which disfigure many of our provincial towns may come to be no more than an evil memory when the city council becomes the focussing point and radiating centre of a whole series of recreational and cultural activities. It is not difficult to imagine municipal theatres and opera houses, municipal concerts, municipal orchestras, municipal cinemas, pageants, exhibitions, lectures, festivals, commemorations of all kinds.

Local authorities may come to embark upon improvement schemes for purely aesthetic purposes with the same zest and vigour which they now show for schemes of sanitary improvement. Community centres, public buildings of noble aspect, parkways bordering the main thoroughfares, oases of peace and beauty in which one can seek refuge from the rushing whirl of the traffic, highways designed to enhance the city's consciousness of its aspirations: these are the kinds of attainment which will embody the new ideals of the coming century.

Life without the arts is a dull and barren affair: that has been demonstrated for all time by the Victorians. Sanitation, hygiene, the elimination of poverty, good housing, good education, efficient transport—these are all excellent and indispensable elements of welfare. But they are no substitute for aesthetic experience.

In the middle ages the arts lived by and for the Church and to a lesser extent on the guild. After the Renaissance and the Reformation, the creative artist came to depend, for economic support and appreciation and inspiration, on the prince and on the noble patron. All that is past now, and the artist must either serve the common people or perish. The organs of local government are the most disinterested and expressive instruments of popular demand, and it is through their activities that the greatest opportunity arises for utilizing the fine arts. By taking advantage of it in the coming years local authorities will transform both their own outlook and the whole quality of life among the people.

#### IV

Another great stream of municipal activity will lie, I believe, in the direction of industrial enterprise.

The essays on public utilities and housing show how local authorities have gradually come to be managing large business and manufacturing concerns: producing and distributing gas, water, and electricity, operating street transport services, building and letting houses on a vast scale. In addition to these major groups, there are all kinds of other business undertakings which are being conducted here and there by municipal bodies. In Birmingham it is a savings bank, in Sheffield a printing plant, in Bradford a conditioning house. Unless there is some unforeseen obstruction, a vigorous thrust forward into a whole series of analogous fields may be expected. A municipal milk supply, municipal bakeries, municipal laundries, municipal publishing departments (for school books at least), municipal brickworks, clothing factories, restaurants, hotels—it will be surprising if undertakings of these types do not make their appearance within the next century. There is nothing startling about the idea. Such developments follow logically from existing commitments, and may arise in the first instance merely to enable local authorities to satisfy their own needs. To the historian of the year 2035 they will probably seem a less revolutionary development than the events of the past hundred years seem to most of the contributors to this volume.

Such an expansion implies, of course, a much greater degree of freedom of action in some spheres for local authorities in the future than they possess at present. At the same time there is likely to be a diminution of local autonomy, a restriction of discretion, in certain other spheres where it now prevails.

The most obvious case is that of territorial planning. We have had what is somewhat euphemistically called town-planning legislation in force for about a quarter of a century, and in 1932 the legal powers of local authorities were very substantially increased to enable them to deal both with the built-up portions of towns and also with the countryside. But nothing is more clear than that the town and country planning movement has been so far a dark and dismal failure. There are impressive figures showing the number of local authorities, the acreage, population, and rateable value comprised within the regional planning committees. But these statistics mean little in practice. The amount of effective control in actual operation is trifling. One has only to travel at random through the length or breadth of England to realize that the whole countryside has been and is being subjected to a reckless orgy of maldevelopment and spoliation of increasing intensity. For sheer vandalism and ineptitude, for inability to realize the inevitable

disadvantages and dangers consequent upon our own acts, for pure destructiveness on the grand scale of the very things we profess to admire, we of the post-war period have far and away excelled any previous generation. Our superiority in these things over the Victorians is a triumph of efficiency. No former age had discovered the secret of spoiling rapidly both the towns and the countryside.

A vast transformation has taken place since 1919 in the character and location of industries, in the nature and disposition of the highways, in the housing of the people, in the composition of the population, in the supply of electricity, in facilities for transportation and many other important factors in social life. But no attempt has been made to weave these threads of change into a coherent pattern of social life. Even the local authorities' own housing schemes have not been brought into organic relation with a comprehensive system of territorial planning. In the metropolitan region of London, an area with a population greater than any one of fifteen separate European nations, there is not a planning scheme of any kind in existence. It will take generations to clear up the mess which has resulted from the "prosperity" of the London region in the past fifteen years.

The present outlook in regard to civic planning suggests that after a further period of confusion and ineffectiveness an attempt to stem the tide of waste and misdirected energy will be made through the setting up of a national planning agency. This body will be charged with the task of controlling the location of houses, flats, factories, shops, and other business premises; of indicating the territorial developments of public utilities, transportation, and other essential services; of making policy in regard to roads, parks, open spaces, and so forth. All this will be done on very broad lines, and it will then be left to the local government planning committees to work out detailed schemes to implement the master plans.

If the future of the planning movement lies in this direction, it illustrates an important change in the relations between central and local government.

The existing relationship, as Dr. Jennings shows in his analysis,\* is a mixture of diverse elements. It is largely regulatory, and aims at preventing eccentric and extreme behaviour on the part of local

\* Chapter xviii, ante.

authorities by requiring them to come to Whitehall for approval or permission before they can embark on many kinds of activity. The relation is in part restrictive and penal, deriving these qualities from Poor Law administration, and in part stimulative and fostering, both as regards financial aid and expert advice, this tendency originating mainly in the education service.

There is, however, no service in which local authorities and central department are completely integrated with a common responsibility for the final result in their respective spheres. And this, I believe, will constitute one of the advances in the future.

From all that has been suggested here, it is evident that the coming century will hold some very large and constructive tasks for the municipal service. Mr. Hill emphasizes in his chapter the great significance of the recent Report of the Hadow Committee on Local Government Officers. That valuable document may be regarded as the culmination of the past hundred years, so far as the local government service is concerned. It is also, from another angle, the starting-point of the century ahead.

The eventuality of which there can be least doubt is that the local government service will grow substantially in size, in status, in *esprit de corps*, in professional excellence. Municipal officers will find themselves entrusted with great new responsibilities. They will have to develop qualities of creative leadership for preparing and carrying out the policy of the council beyond almost anything we now know. They will acquire new skills for the performance of new tasks. They will deepen their knowledge and broaden their outlook. They will have to strive to develop that imaginative insight into the processes of civilized life which is the true mark of the educated mind. They will travel widely, eagerly scanning new and promising experiments in foreign lands. The existing divisions between the technical, the professional, and the administrative classes will fade away into irrelevance. Interchange between the civil service and the local service will be facilitated.

## VI

This volume may end on a hopeful note. There are plenty of causes for pessimism in the world; but the outlook in English local government is not amongst them. An unlimited vista of future usefulness and expansion stretches before us. We can look forward to the coming century in the most cheerful sense of the term.

Whatever the future may hold for our economic system, local government is likely to remain firmly established as the most effective instrument of social welfare in our national life. Adherents of all the major political parties are agreed in recognizing the fundamental value of our municipal institutions, and this unity of opinion is of far greater moment than the temporary party conflicts about particular questions or the divergencies of view as to whether local authorities should adopt this policy or that, which enliven the scene from time to time. Local government is likely to continue and to expand, no matter whether the future trend of our society lies in the direction of socialization or of a State-supported capitalism, though its position in the national economy may vary considerably in the one case or the other.

There is, however, one indispensable condition for the continuance of local government: namely, that the essence of our democratic institutions persists as the subsoil from which it can draw its life and strength. The forms of our system can be changed almost beyond recognition, but not its substance. The spirit of English local government depends on three things: the right of the whole local community to elect at periodic intervals a council of their own choosing; an opportunity for every citizen to participate in the work of the council; and the right of free discussion and criticism. If these things are not preserved the system will quickly fade and die.

There can be no such thing as local government, in the sense in which it is celebrated in this volume, under a dictatorship. Freedom in the localities implies freedom at the centre. Dictatorship at the centre inevitably involves the arbitrary supersession of local freedom and initiative, the curtailment of local responsibility and opportunity. The events of our own time, no less than the experience of history, bear witness to the truth of that conclusion.

CHRONOLOGICAL TABLE  
OF  
LOCAL GOVERNMENT

*compiled by*  
C. KENT WRIGHT

NOTE

*This time-table, showing the most important Acts of Parliament affecting local government which have been passed during the last hundred years, has been prepared primarily with the object of correlating the development of local government with other events and incidents of importance in the history of this country. Needless to say, the list does not purport to be exhaustive, but it may be found to be of value for purposes of comparison.*

1 Decade	2 Acts	3 Royal Commissions and Committees affecting Local Government	4 Events
1830-40	Vestries Act Reform Act	Poor Law Commission	Accession of William IV
	Lighting and Watching Act Poor Law Amendment Act	Report of Royal Commission on Poor Laws Royal Commission on Municipal Corporations	Outbreak of Cholera in London Chadwick appointed Assistant Commissioner for inquiry into the working of the Poor Laws
	Municipal Corporations Act Highways Act Parochial Assessment Act Municipal Corporations (General) Act		Grant of £20,000 to education Board of Guardians, Poor Law Unions, and Poor Law Commissioners created Hansom designs his cab
1840-50	County Police Act Metropolitan Police Act City of London Police Act County Police Act Poor Rate Exemption Act		Death of Macadam Accession of Victoria The People's Charter Chadwick investigated sanitary conditions of London
	Municipal Corporations Act Theatres Act	Royal Commission on Mines found that women pulled coal trucks on hands and feet, and children of 5 worked alone in the darkness	First bicycle  Artificial gas widely used for lighting  Cobden's Free Trade agitation

## CHRONOLOGICAL TABLE OF LOCAL GOVERNMENT

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5 Year	6 Publication of Books which had an influence on Social and Political Reforms	7 Prime Minister	8 Home Secretary	9 President of Poor Law Board
1830		Duke of Wellington	R. Peel	
1831		Lord Grey	Melbourne	
1832				
1833				
1834		Peel	H. Goulbourne	Chadwick (Secretary)
1835		Melbourne	Lord J. Russell Normanby	
1836				
1837				
1838	<i>Oliver Twist</i> (Dickens)			
1839	<i>Paul Clifford</i> (Lord Lytton) <i>Nicholas Nickleby</i> (Dickens)			
1840	<i>Survey into Sanitary Conditions of the Working Classes of Great Britain</i> (Chadwick)			
1841		Sir R. Peel	Sir J. Graham	
1842				
1843	<i>Past and Present</i> (Carlyle) <i>Song of a Shirt</i> (Thomas Hood)			

1 Decade	2 Acts	3 Royal Commissions and Committees affecting Local Government	4 Events
1840-50	Metropolitan Building Act Poor Law Amendment Act		First public meeting of the Society for the Improvement of the Labouring Classes
	Nuisances Removal Act  Baths and Washhouses Act Nuisances Removal Act Towns Improvement Clauses Act Poor Law Board Act	Report of Royal Commission on Health of Towns and Populous Places	Stoneware drainpipe introduced  Corn Laws repealed
1850-60	Health of Towns Act Justices Protection Act Poor Law Audit Act Commissioners of Sewers Act	Poor Law Commission dissolved	Poor Law Commissioners succeeded by Poor Law Board First Medical Officer of Health in Great Britain appointed by Liverpool Corporation
	Public Health Act (created General Board of Health with power to establish Local Boards of Health) Metropolitan Sewers Act Sewers Act		
	Common Lodging Houses Act, 1851 Labouring Classes Lodging Houses Act		The first public free library opened in Manchester
	County Rate Act		Outbreak of Cholera
	Smoke Nuisance (Abatement) Act		Crimean War began (February)
	Public Health Act Young Offenders Act		

## CHRONOLOGICAL TABLE OF LOCAL GOVERNMENT

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5 Year	6 Publication of Books which had an influence on Social and Political Reforms	7 Prime Minister	8 Home Secretary	9 President of Poor Law Board
1844				
1845				
1846		Lord J. Russell	Sir G. Grey	
1847				
1848	<i>Yeast</i> (Kingsley) <i>Principles of Political Economy</i> (J. S. Mill)			
1849	<i>Alton Locke</i> (Kingsley)			
1851	<i>London Labour and the London Poor</i> (Henry Mayhew)			
1852		Derby (Feb.) Aberdeen (Dec.)	S. H. Walpole Palmerston	
	<i>It's Never too Late to Mend</i> (Ch. Read) <i>Bleak House</i> (Dickens)			
1854				

1	2	3 Royal Commissions and Committees affecting Local Government	4
Decade	Acts		Events
1850-60	Diseases Prevention Act Nuisances Removal Act Metropolis Management Act		
	County and Borough Police Act Metropolitan Police Act		Education vote of £451,000 and a paid Minister of Education appointed to act as Vice- President of the Council
	Local Government Act Public Health Act County and Borough Police Act	Royal Commission on Education (Newcastle)	Functions of General Board of Health placed under supervision of Home Office and Privy Council
1860-70	Local Taxations Returns Act Nuisances Removals and Diseases Prevention Amendment Act Public Improvements Act		
	General Pier and Harbour Act Land Drainage Act Metropolitan Police (Re- ceiver) Act	Report of Commission on Education	
	General Pier and Harbour Act Local Government Act Highway Act Poor Law Union Charge- ability Act Metropolis Management Amendment Act	.	
	Local Government Act Amendment Act Waterworks Clauses Act		London Sewerage System Peabody Trust opens first tenement dwelling

## CHRONOLOGICAL TABLE OF LOCAL GOVERNMENT

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5 Year	6 Publication of Books which had an influence on Social and Political Reforms	7 Prime Minister	8 Home Secretary	9 President of Poor Law Board
1855	<i>Military Hygiene</i> (Dr. Parkes)	Palmerston	Sir G. Grey	
1856				
1858		Derby	S. H. Walpole T. S. S. East-court	
1859	<i>Essay on Liberty</i> (J. S. Mill) <i>Origin of Species</i> (Darwin)	Palmerston	Sir G. C. Lewis Sir G. Grey	
1860				
1861	<i>The Cloister and The Hearth</i> (Ch. Reade) <i>Representative Government</i> (J. S. Mill)			
1862				
1863	<i>Treatise on Education</i> (Herbert Spencer)			
1864				
1865		Russell	Sir G. Grey	Villiers

1 Decade	2 Acts	3 Royal Commissions and Committees affecting Local Government	4 Events
1860-70	Nuisances Removal Act Metropolitan Poor Act  Artisans' and Labourers' Dwellings Acts Poor Law Amendment Act  Poor Law Assessment and Collection Act Valuation (Metropolis) Act	Committee on unassisted schools  Royal Sanitary Commis- sion urged the constitu- tion of central authority with adequate strength Royal Commission on schools  Schools Inquiry Commis- sion Royal Sanitary Commis- sion	Reform Bill passed Commissioners for Metro- politan Water Supply appointed Metropolitan Asylums Board constituted
1870-80	Elementary Education Act Gas and Water Facilities Act Tramways Act  Local Government Board Act  Public Health Act Borough Funds Act  Gas and Water Facilities Act Amendment Act  Endowed Schools Act Amendment Act Sanitary Laws Amend- ment Act  Explosives Act Justices' Qualifications Act Artisans' and Labourers' Dwellings Improve- ment Act	Royal Commission on Scientific Instruction and the advancement of Science  Playfair's Special Report on Civil Service	Endowed Schools Bill passed  Local Government Board, constituted, superseding and embodying the Poor Law Board of 1847  Ballot Bill passed  Judicature Act  Powers of Endowed Schools to Charity Commissioners

5 Year	6 Publication of Books which had an influence on Social and Political Reforms	7 Prime Minister	8 Home Secretary	9 President of Poor Law Board or Local Government Board
1866		Derby	S. H. Walpole G. Hardy	G. Hardy
1867	<i>Das Kapital</i> (Marx) <i>English Constitution</i> (W. Baghot)			
1868		Disraeli Gladstone	G. Hardy H. A. Bruce (created Lord Aberdare 1873)	Goschen
1869	<i>Subjection of Women</i> (J. S. Mill)			
1870				
1871				J. Stansfeld
1872	<i>Erewhon</i> (Samuel Butler)			
1873	<i>Autobiography</i> (J. S. Mill)			
1874		Disraeli	R. R. Cross	G. Slater-Booth
1875				

1 Decade	2 Acts	3 Royal Commissions and Committees affecting Local Government	4 Events
1870-80	Public Health Act Sale of Food and Drugs Act Local Loans Act  Rivers Pollution Prevention Act Elementary Education Act Divided Parishes and Poor Law Amendment Act  Prisons Act Local Taxations Returns Act  Weights and Measures Acts Highways and Locomotives (Amendment) Act  Artisans' and Labourers' Dwellings Improvement Act Public Health Water Act District Auditors Act Sale of Food and Drugs Act Amendment Act Poor Law Act	Royal Commissions on Working of Factories and Workshops Act	Invention of Telephone by Bell and Edison
1880-90	Employers' Liability Act	Royal Commissions on Agriculture; and on Education and Instruction of Industrial Classes in Technical and other subjects	Thames Embankment illuminated by electric light  Edison and Swan invented the electric lamp
			Committee of House of Commons appointed to consider desirability of authorizing Municipal Corporations or Local Authorities to adopt any schemes for light- ing by electricity
			Godalming illuminated by electric light

## CHRONOLOGICAL TABLE OF LOCAL GOVERNMENT

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5 Year	6 Publication of Books which had an influence on Social and Political Reforms	7 Prime Minister	8 Home Secretary	4 9 President of Local Government Board
1875				
1876	<i>Principles of Sociology</i> (Herbert Spencer)	Disraeli raised to peerage as Earl of Beaconsfield		
1877				
1878				
1879	<i>Lectures on the Principles of Political Obligation</i> (Prof. T. H. Green)			
1880	<i>Progress and Poverty</i> (Henry George)	Gladstone	Sir W. Harcourt	J. G. Dodson
1881	<i>Justice</i> (edited by Wm. Morris, 1881-84)			

1 Decade	2 Acts	3 Royal Commissions and Committees affecting Local Government	4 Events
1880-90	Municipal Corporations Act Electric Lighting Act	Special Report on Canals	First Central Station for electric light began operation in U.S.A. First electric tramway cars were run at Leytonstone International Electrical and Gas Light Exhibition held at Crystal Palace
	Municipal Elections (Corrupt and Illegal Practices) Act	Royal Commission on the Housing of the Poor Report of the Education Commission	Electric trams first run from Kew to Hammersmith Third Reform Bill was passed, extending household suffrage to county constituencies giving miner and agricultural labourer a vote Domestic electric light charged at Colchester
	Public Health (Shops), etc., Act Reform Act	Interim Report of the Commission on Housing of the Poor	First Home Rule Bill
	Local Authorities (Expenses) Act Sea Fisheries Regulation Act	Royal Commission on the Elementary Education Acts; and on Depression of Trade and Industry	
	Local Government Act ended patriarchal rule of the nominated Justices of the Peace and set up County and County Borough Councils	Royal Commission on Civil Establishments	
	Weights and Measures Act Technical Instruction Act Infectious Diseases (Notification) Act	Royal Commission on Vaccination	Successful trial of an electric tramcar at Birmingham

5 Year	6 Publication of Books which had an influence on Social and Political Reforms	7 Prime Minister	8 Home Secretary	9 President of Local Government Board
1882				Sir Charles W. Dilke
1883				
1884	<i>Man v. The State (Herbert Spencer)</i>			
1885		Salisbury	Sir R. A. Cross	A. J. Balfour
1886		Gladstone Salisbury	H. C. E. Chil- ders H. Matthews	J. Chamberlain J. Stansfeld C. T. Ritchie
1887				
1888				
1889	<i>Life and Labour of People of London</i> (Chas. Booth, 1889-1903)			

1 Decade	2 Acts	3 Royal Commissions and Committees affecting Local Government	4 Events
1890— 1900	Lunacy Act Police Act Public Health Acts Amendment Act Local Taxation (Customs and Excise) Act Housing of the Working Classes Act Infectious Diseases (Pre- vention) Act	Final Report of Commis- sion on the Housing of the Poor	
	Technical Instruction Act Highways and Bridges Act Lunacy Act Public Health (London) Act		Elementary Education was made free, with a few exceptions
	Public Libraries Act London Water Act Private Street Works Act	Select Committee and Re- port on Unemployment Report by M. H. Fowler on Local Taxation	
	Public Libraries (Amend- ment) Act Weights and Measures Act Public Authorities Pro- tection Act Isolation Hospitals Act Rivers Pollution Pre- vention Act		
	Local Government Act (setting up urban and rural district councils and parish councils) London (Equalisation of Rates) Act Diseases of Animals Act	Royal Commission on Agricultural Depression	
	Agricultural Rates Act Light Railways Act City of London Sewers Act	Royal Commissions on Tuberculosis, Secondary Education, Aged Poor  Report of Royal Commis- sion on Imperial and Local Taxation	Scarcity of water in London through severe frost Board of Trade Inquiry

5 Year	6 Publication of Books which had an influence on Social and Political Reforms	7 Prime Minister	8 Home Secretary	9 President of Local Government Board
1890	<i>Darkest England and the Way Out</i> (General Booth) <i>Poverty—A Study in Town Life</i> (Seebohm Rowntree)			
1891	<i>News from Nowhere</i> (Wm. Morris)			
1892		Gladstone	H. H. Asquith	H. H. Fowler
1893	<i>Merrie England</i> (R. Blatchford)			
1894		Rosebery	H. H. Asquith	G. J. Shaw-Lefevre
1895		Salisbury	Sir W. Ridley C. T. Ritchie	H. Chaplin
1896			'	
1897				

LIFE OF MUNICIPAL

1 Decade	2 Acts	3 Royal Commissions and Committees affecting Local Government	4 Events
1890- 1900	<p>Workmen's Compensation Act (injuries received while at work)</p> <p>Rivers Pollution Prevention (Border Councils) Act</p> <p>Inebriates Act</p> <p>London Government Act (which set up Metropolitan Borough Councils in place of vestries)</p> <p>Board of Education Act</p> <p>Small Dwellings Acquisitions Act</p> <p>Electric Lighting (Changes) Act</p>	<p>Special Report on Old Age Pensions</p> <p>Royal Commission on Sewers appointed</p>	<p>Formation of the Garden City Association</p>
1900-10	<p>Isolations Hospitals Act</p> <p>Factory and Workshops Act</p> <p>Public Libraries Act</p> <p>Midwives Act</p> <p>Education Act (which handed over management of primary and secondary schools to the County Councils)</p> <p>County Councils (Bills in Parliament) Act</p> <p>Borough Funds Act</p> <p>Local Government (Transfer of Powers) Act</p> <p>Motor Cars Act</p> <p>Weights and Measures Act</p> <p>Public Health Acts Amendment Act</p>	<p>Report of Royal Commission on Imperial and Local Taxation</p> <p>Metropolitan Water Board established</p> <p>Report of Joint Select Parliamentary Committee on Housing</p> <p>Special Report on Physical Deterioration</p> <p>Royal Commissions on London Traffic and on Poor Laws and Relief of Distress</p>	<p>Death of Queen Victoria closing a reign extending over 64 years</p> <p>Accession of Edward VII</p> <p>Andrew Carnegie made large grants to aid and found free libraries</p> <p>Site for Letchworth Garden City purchased</p> <p>South London Electric Tramway system opened by Prince of Wales</p> <p>First Garden City founded at Letchworth by Ebenezer Howard</p>

5 Year	6 Publication of Books which had an influence on Social and Political Reforms	7 Prime Minister	8 Home Secretary	9 President of Local Government Board
1897				
1898				
1899				
1900				Walter H. Long
1901				
1902		A. J. Balfour	A. Akers-Douglas	
1903				
1904		Sir H. Campbell - Bannerman	H. J. Gladstone	
1905				G. W. Balfour

I Decade	2 Acts	3 Royal Commissions and Committees affecting Local Government	4 Events
1910-20	Justices of the Peace Act Open Spaces Act  Advertisement Regulation Act Notification of Births Act Qualification of Women (County and Borough Council) Act Public Health Acts (Amendment) Act Education (Administrative Provisions) Act  Small Holdings and Allotment Act Children Act Port of London Act  Cinematograph Act Electric Lighting Act Housing, Town Planning, etc., Act Development and Road Improvement Funds Act  Finance Act Municipal Corporations (Amendment) Act Licensing (Consolidation) Act  Municipal Elections (Corrupt and Illegal Practices) Act Parliament Act National Insurance Act  Local Government (Adjustments) Act	Special Report on vagrancy Disputes and Trade Combinations; Canals and Waterways  Royal Commission on the Care and Control of the Feeble Minded Special Report on Cost of Living  Majority and Minority Reports of Laws and Relief of Distress Special Report on Public Health and Social Conditions  Special Report on Educational Endowments  Royal Commission on Civil Service Kempe Committee (1912-14) on Grants from Revenue	Work commenced on Hampstead Garden Suburb International Housing Congress opened at Caxton Hall  Metropolitan Main Drainage system completed  Death of Edward VII Accession of George V  Last horse-drawn omnibus run in London

5 Year	6 Publication of Books which had an influence on Social and Political Reforms	7 Prime Minister	8 Home Secretary	9 President of Local Government Board
1906				John Burns
1907				
1908	<i>Commonsense of Municipal Trading</i> (G. B. Shaw)	H. H. Asquith	H. J. Gladstone W. S. Churchill R. McKenna	
1909	<i>Strife</i> (J. Galsworthy)			
1910	<i>The New Machiavelli</i> (H. G. Wells) <i>The Town and Country Labourer</i> (Mr. and Mrs. J. L. Hammond)			
1911				
1912				
1913				

1 Decade	2 Acts	3 Royal Commissions and Committee affecting Local Government	4 Events
1910-20	<p>Public Health(Prevention and Treatment of Disease) Act Mental Deficiency Act</p> <p>County and Borough Councils (Qualification) Act Notification of Births (Extension) Act</p> <p>Milk and Dairies Consolidation Act</p> <p>Local Government (Emergency Provisions) Act Public Authorities and Bodies (Loans) Act</p> <p>Venereal Diseases Act</p> <p>Representation of the People Acts (confering almost equal franchise)</p> <p>Land Drainage Act Maternity and Child Welfare Act Education Act Midwives Act</p> <p>Ministry of Health Act Police Act Ministry of Transport Act Land Settlement (Facilities) Act Housing, Town Planning, etc., Act Ferries (Acquisition by Local Authorities) Act Acquisition of Land (Assessment of Compensation) Act</p> <p>Ministry of Agriculture and Fisheries Act Public Libraries Act Nurses Registration Act Electricity (Supply) Act</p>	<p>Royal Commission on Coal Conservation Report on Machinery of Government Local Government Committee Report of Committee on Public Assistance</p> <p>Royal Commission on Agriculture Special Report on Adult Education Departmental Committee on Police (Desborough)</p>	<p>Birmingham Corporation obtained powers to establish the first Municipal Bank in the country</p>

5 Year	6 Publication of Books which had an influence on Social and Political Reforms	7 Prime Minister	8 Home Secretary	9 President of Local Govern- ment Board
1913				
1914		H. H. Asquith	Sir John Simon Herbert Samuel	Herbert Samuel
1915				
1916		D. Lloyd George	Sir G. Cave	Walter H. Long
1917				Rhondda
1918		D. Lloyd George	E. Shortt	W. Hayes Fisher
1919	<i>Heartbreak House</i> (G. B. Shaw)			C. Addison (Minister of Health)

1 Decade	2 Acts	3 Royal Commissions and Committees affecting Local Government	4 Events
1920-30	<p>Gas Regulations Act          Blind Persons Act          Air Navigation Act          Increase of Rent and Mortgage Interest (Restriction) Act          Unemployment Insurance Act</p> <p>Public Health (Tuberculosis) Act          Police Pensions Act          Health Resorts and Watering Places Act          Education Act          Railways Act          Local Authorities (Financial Provisions) Act          Public Health (Officers) Act</p> <p>Electricity Supply Act          Local Government and Other Officers' Superannuation Act          Cinematograph Act          Audit (Local Authorities) Act          Celluloid and Cinematograph Film Act          Allotments Act          School Teachers' Superannuation Act</p> <p>Agricultural Holdings Act          Agricultural Rates Act          Housing, etc., Act          Public Health Acts (Amendment) Act          Salmon and Freshwater Fisheries Act (Onslow)</p> <p>Local Authorities (Emergency) Provisions Act          National Health Insurance Act          Housing (Financial Provisions) Act</p>	<p>Royal Commission on Local Government of Greater London (Ullswater)          Adult Education Committee          Geddes Committee on Grants from Revenue</p>	Police Regulations

5 Year	6 Publication of Books which had an influence on Social and Political Reforms	7 Prime Minister	8 Home Secretary	9 Minister of Health
1920				
1921				
1922	<i>Forsyte Saga</i> (Galsworthy)	A. Bonar Law	W. C. Bridgman	Sir Alfred Davis
1923		Stanley Baldwin	W. C. Bridgman	Sir W. J. Joynson-Hicks
1924	<i>Back to Methuselah</i> (G. B. Shaw)	J. R. MacDonald Stanley Baldwin	A. Henderson Sir W. Joynson-Hicks	John Wheatley Neville Chamberlain

1 Decade	2 Acts	3 Royal Commissions and Committees affecting Local Government	4 Events
1920-30	Borough Councillors (Alteration of Numbers) Act Housing Act Town Planning Act Rent and Mortgage Interest Restrictions Continuation Act Valuation Metropolis (Amendment) Act Diseases of Animals Act Roads Improvement Act Widows', Orphans', and Old Age Pensions Act Public Health Act Rating and Valuation Act  Economy (Miscellaneous Provisions) Act Board of Guardians Default Act Land Drainage Act Local Government (County Boroughs and Adjustments) Act Electricity (Supply) Act Housing (Rural Workers) Act Public Health (Smoke Abatement) Act  Poor Law Act Audit (Local Authorities) Act  Local Authorities (Emergency Provisions) Act Petroleum (Consolidation) Act Rating and Valuation (Apportionment) Act Representation of the People (Equal Franchise) Act	Interim Report of the Royal Commission on Local Government  Committee on Education (Dougal) relating to Trade and Industry of the young  Report of the Committee on Education Committee on Public Libraries in England and Wales constituted, and issues its Report	Weir Report with regard to electrical development of the country

5 Year	6 Publication of Books which had an influence on Social and Political Reforms	7 Prime Minister	8 Home Secretary	9 Minister of Health
1925			.	
1926				
1927				
1928	<i>Swan Song</i> (Galsworthy)			

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1 Decade	2 Acts	3 Royal Commissions and Committees affecting Local Government	4 Events
1920-30	Local Government Act Gas Undertakings Act Bridges Act	Final Report of Royal Commission on Local Government	
1930-	Poor Law Act Railways (Valuation for Rating) Act Road Traffic Act Housing Act Public Works (Facilities) Act Mental Treatment Act Land Drainage Act London Building Act	Local Government and Public Health Committee set up by A. Greenwood, under Chairmanship of Lord Chelmsford	
	National Economy Act Local Government (Clerks) Act	Committee on National Expenditure (May) 1931	
	Town and Country Planning Act Rights of Way Act Children and Young Per- sons Act	Committee on Local Ex- penditure appointed, and issues its report (Ray) 1932	
	Local Government Act Housing (Financial Pro- visions) Act Metropolitan Police Act	Report of Royal Commis- sion on Unemployment	
	Unemployment Act	Interim Report of Chelms- ford Committee and a draft Bill, which ult- imately became the Local Government Act, 1933	
		Report of Departmental Committee on Quali- fications, Recruitment, Training, and Promo- tion of Local Govern- ment Officers (Hadow)	

5 Year	6 Publication of Books which had an influence on Social and Political Reforms	7 Prime Minister	8 Home Secretary	9 Minister of Health
1929	<i>The Apple Cart</i> (G. B. Shaw)	J. R. MacDonald	A. Henderson	A. Greenwood
1930	<i>The Industrial and Commercial Revolution in Great Britain during the Nineteenth Century</i> (Prof. L. C. A. Knowles)			
1931		J. R. MacDonald	Sir H. Samuel Sir J. Gilmour	Neville Chamberlain Sir E. Hilton Young
1932	<i>Work, Wealth and Happiness of Mankind</i> (H. G. Wells)			
1933	<i>The Shape of Things to Come</i> (H. G. Wells)			
1934				
1935	<i>Brave New World</i> (Aldous Huxley)	S. Baldwin	Sir J. Simon	Sir Kingsley Wood

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